

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

CODE OF ORDINANCES

Adopted December 8, 2020

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

GENERAL PROVISIONS ORDINANCE

Section 1. Title of Code.

These collected Ordinances shall be known and referred to as the “Town of Green Bay Code of Ordinances.”

Section 2. Principles of Construction.

The following rules or meanings shall be applied in the construction and interpretation of Ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the Ordinances:

- (a) Acts by agents. When an Ordinance requires an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- (b) Code and Code of Ordinances. The words “Code,” “Code of Ordinances” and “Municipal Code” when used in any Section of this Code shall refer to this Code of Ordinances of the Town of Green Bay unless the context of the Section clearly indicates otherwise.
- (c) Computation of time. In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this Section, “legal holiday” means any statewide legal holiday specified by state law.
- (d) Fine. The term “fine” shall be the equivalent of the word “forfeiture,” and vice versa.
- (e) Gender. Every word in these Ordinances referring to gender shall be gender neutral.
- (f) General rule. All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical

or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances.

- (g) Person. The word “person” shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
- (h) Repeal. When any Ordinance having the effect of repealing a prior Ordinance is itself repealed, such repeal shall not be construed to revive the prior Ordinance or any part thereof, unless expressly so provided.
- (i) Singular and plural. Every word in these Ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referred to the plural number shall also be construed to apply to one (1) person or thing.
- (j) Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- (k) Town. The term “Town” shall mean the Town of Green Bay, Brown County, Wisconsin.
- (l) Wisconsin Statutes. The term “Wisconsin Statutes” and its abbreviation as “Wis. Stats.” shall mean the Wisconsin Statutes, as amended from time to time.
- (m) Wisconsin Administrative Code. The term “Wisconsin Administrative Code” and its abbreviation as “Wis. Adm. Code” shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

Section 3. Conflict of Provisions.

- (a) If the provision of different Ordinances conflict with each other, the provisions of each individual Ordinance shall control all issue arising out of the events and persons intended to be governed by that Ordinance.
- (b) If the provisions of different Sections of the same Ordinance conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

Section 4. Severability of Provisions.

If any provision of this Code of Ordinances is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other provisions of these Ordinances.

Section 5. Effective Date of Ordinances.

- (a) Code. The Town of Green Bay Code of Ordinances shall take effect as provided by state law. To the extent the Code of Ordinances includes amended versions of ordinances that existed prior to codification, the adoption of the Code of Ordinances shall constitute an amendment to those ordinances (e.g., for purposes of nonconforming rights).
- (b) Subsequent Ordinances. All Ordinances passed by the Town Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication or legal posting.

Section 6. General Penalty.

- (a) General Penalty. Except where a penalty is provided elsewhere in this Code of Ordinances, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - (1) First Offense – Penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00), together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
 - (2) Second Offense – Penalty. Any person found guilty of violating any Ordinance or part of an Ordinance of this Code who shall previously have been convicted of a violation of the same Ordinance within one (1) year shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00) for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
- (b) Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude

the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

- (c) Other Remedies. The Town of Green Bay shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

Adopted this 8th day of December, 2020.

TOWN OF GREEN BAY

By: */s/ Cary Dequaine*
Cary, Dequaine, Town Chairman

Attest:

/s/ Debbie Mercier
Debbie Mercier, Town Clerk

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

AN ORDINANCE TO CREATE A JOINT MUNICIPAL COURT

The Town Board of the Town of Green Bay, does ordain as follows:

Section 1. Municipal Court Created.

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a Joint Municipal Court to be designated “Brown County Joint Municipal Court,” said court to become operative and function on August 1, 2006.

Section 2. Elections.

- (a) Term. The Municipal Judge shall be elected at large in the spring election in odd-numbered years for a term of four (4) years commencing on May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Wis. Stat. § 8.10, and selection at a primary election if such is held as provided in Wis. Stat. § 8.11. The State elections board shall serve as filing officer for the candidates.
- (b) Electors. Electors in all municipalities that are parties to the agreement shall vote for judge.

Section 3. Municipal Judge.

- (a) Qualifications. The Joint Court shall be under the jurisdiction of and presided over by a Municipal Judge, who resides in one of the municipalities that is a party to the agreement forming this joint court.
- (b) Oath and Bond. The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Wis. Stat. § 757.02(1), and a bond. The Judge shall not act until the oath and bond have been filed as required by Wis. Stat. § 19.01(4)(c), and the requirement of Wis. Stat. § 755.03(2) have been complied with.
- (c) Salary. The salary of the Municipal Judge shall be fixed by the Town Boards of the municipalities that are parties to the agreement which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during

which such Judge has not executed the official bond or official oath, as required by Wis. Stat. § 755.03, and filed pursuant to Wis. Stat. § 19.01(4)(c). The municipalities may by separate ordinance allocate funds for the administration of the Municipal Court pursuant to Wis. Stat. § 66.0301.

Section 4. Operations.

Operations of the Brown County Joint Municipal Court shall be governed by Wisconsin Statutes and an Agreement entered into by the member municipalities.

Section 5. Jurisdiction.

- (a) The Municipal Court shall have jurisdiction over incidents occurring on or after August 1, 2006 as provided in Article VII, § 14 of the Wisconsin Constitution, Wis. Stats. §§ 755.045 and 755.05, and as otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.
- (b) The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under Wis. Stats. § 755.045(2) and § 66.0119.
- (c) The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of Wis. Stat. § 938.17(2)(cm).

Section 6. Municipal Court.

- (a) Hours. The Municipal Court shall be open at such location and at such times as determined by the governing bodies of the municipalities that are parties to the agreement and the Municipal Judge.
- (b) Employees. The Judge shall, in writing, appoint such clerks and deputy clerks that are authorized and funded by the Town Boards of the municipalities that are parties to the agreement.

Section 7. Collection of Forfeitures and Costs.

The Municipal Judge may impose punishment and sentences as provided in Wisconsin Statutes Chapters 800 and 938, and as provided in the ordinances of the municipalities that

are parties to the agreement. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the Municipality within which the case arose within 7 days after receipt of the money by the Municipal Court. At the time of the payment, the Municipal Court shall report to the treasurer the title of the action, the nature of the offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

Section 8. Contempt of Court.

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under Wis. Stat. § 800.12. And may impose a forfeiture therefore not to exceed fifty dollars (\$50) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

Section 9. Abolition.

The Municipal Court hereby established shall not be abolished while the Wis. Stat. § 755.01(4) agreement is in effect.

Section 10. Repeal.

All ordinances or part of ordinances contravening or inconsistent with the provisions of this ordinance be and are hereby repealed.

Section 11. Effective Date.

This ordinance shall take effect and be in full force and effect from and after its passage and publication as required by law.

TOWN OF GREEN BAY

Dated: 12-5-06
Amended 7-8-08

By: /s/ *Lee Dechamps*, Chairman

Attest: /s/ *Debbie Mercier*, Clerk

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

**AN ORDINANCE TO ADOPT THE OPERATING AGREEMENT FOR THE
NEW FRANKEN FIRE DEPARTMENT**

Recitals

WHEREAS, the Town of Green Bay previously entered into an agreement creating and establishing a joint fire department with the Towns of Humboldt and Scott on February 15, 1972; and

WHEREAS, the joint fire department has at all times been known as the “New Franken Fire Department;” and

WHEREAS, the New Franken Fire Department has at all times been a joint fire department organized by the Towns of Green Bay, Humboldt and Scott pursuant to the mandate and authority granted by Wis. Stat. § 60.55(1)(a)(2); and

WHEREAS, the Town Board believes that the adoption of an Operating Agreement for the New Franken Fire Department will promote the public safety and general welfare of the Town of Green Bay and assist with the orderly and efficient provision of fire protection services to the Town of Green Bay.

NOW, THEREFORE, based on the above and pursuant to Wis. Stat. § 60.55, the Town Board of the Town of Green Bay, Brown County, Wisconsin, does hereby ordain as follows:

Section 1. The Town of Green Bay hereby reaffirms the original agreement establishing the joint fire department with the Towns of Humboldt and Scott which was originally entered into on February 15, 1972.

Section 2. This Ordinance ratifies each and every act of the Fire Commission which has administered the New Franken Fire Department since its inception except that the resolution dated May 20, 1982 authorizing the three Town Chairmen to cause to be prepared and sign documents incorporating the New Franken Fire Department is hereby repealed and abolished.

Section 3. There is hereby established the Operating Agreement of the New Franken Fire Department, a true and correct copy of which is attached hereto and

denominated "Attachment 1" including all of its terms and conditions which are hereby adopted and incorporated into this ordinance by this reference as though fully set forth herein.

Section 4. This Ordinance shall become effective upon the day following the date of posting by the Town Clerk.

The above and foregoing Ordinance was adopted by the Town Board of the Town of Green Bay at a regular meeting held on the 9th day of October, 2007 by a vote of 3 in favor, 0 opposed and 0 not voting.

TOWN OF GREEN BAY

By: /s/ Lee DeChamps, Town Chairman

By: /s/ Debbie Mercier, Town Clerk

This Ordinance was duly posted in three (3) places within the Town of Green Bay by the Town Clerk on the 9th day of October, 2007.

By: /s/ Debbie Mercier, Town Clerk

**OPERATING AGREEMENT
of the
NEW FRANKEN FIRE DEPARTMENT**

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**OPERATING AGREEMENT
of the
NEW FRANKEN FIRE DEPARTMENT**

Section 1. Formation

On February 15, 1972 the Town Boards of the Towns of Scott, Humboldt and Green Bay, all of Brown County, Wisconsin, entered into the original agreement creating and establishing a joint fire department. This Agreement restates and supplements that original agreement. In the event of any conflict between a term of this Agreement and any previous written or oral agreement, the parties agree that this Agreement supersedes any prior oral or written agreement, resolution or ordinance containing any conflicting or contrary term or condition. The joint fire department shall henceforth be known as the "New Franken Fire Department" (hereinafter the "Department"). The Department has at all times been and shall remain a joint fire department organized by the member municipalities pursuant to the mandate and authority granted by Section 60.55(1)(a)2 Wis. Stats.

Section 2. Purpose

The purpose of the Department is to provide fire protection for its member municipalities. Its purpose is to preserve and protect lives and property from loss or damage by fire; and to acquire and own fire apparatus for use by the Department in furtherance of those purposes. The Department shall remain an agency of the member municipalities, charged with the responsibility of providing fire protection for the member municipalities. The Department shall provide fire and limited rescue services in the member municipalities and shall both receive and provide such services from and to others outside of the member municipalities only pursuant to the Department's mutual aid agreements. The purpose of the Department includes the promotion, protection and preservation of public safety in the member municipalities through the provision of fire and rescue education, inspection and prevention services.

Section 3. Members

The Town of Green Bay, the Town of Humboldt and the Town of Scott shall henceforth in this Agreement collectively be referred to as the "Members" and individually as a "Member." The change of status from a town to a village shall not affect the membership status of the affected Member; a newly constituted village Member may elect and in such instance shall remain a Member. However, no additional municipality(ies) shall acquire Member status without the prior written unanimous consent of the Members. A Member shall not assign its Member interest without the unanimous consent of the non-assigning Members. Members shall have all duties and privileges of membership and shall each be entitled to one vote on any matter requiring a vote of the Members.

Section 4. Authority Retained by the Members/Emergency Action Exception

The Members hereby reserve the authority to: admit a new Member; amend this Agreement; dissolve the Department and distribute the Department's assets; acquire real estate; make

additions to or remodel the fire station(s) or any improvement(s) or property utilized by the Department at a cost greater than \$25,000.00; and acquire fire trucks, support vehicles and apparatus not financed within the budget approved pursuant to this Agreement, at a cost greater than \$25,000.00 per item. The Members shall exercise such reserved authority only upon unanimous resolution of the Members.

“Emergency” here means circumstances that endanger public health or welfare and require immediate action by the Department. Any and all Emergency action(s) necessary to protect the public health or welfare may, in the first instance, be taken pursuant to resolution of the Fire Commission at a special Fire Commission meeting called by the Fire Commission president or vice president (in the president’s absence). The Emergency meeting of the Fire Commission shall be conducted at a location designated by the Commission president within the boundaries of one of the Members, and upon not less than three (3) hours’ prior notice. Notice of an Emergency Fire Commission meeting shall be delivered by telephone or other available electronic or personal contact means to all Commissioners. Commissioners unable to attend in person may attend by telephone or may grant their proxy to an attending Commissioner. Actions which fall within the authority retained by the Members pursuant to this Section 4, in an Emergency, may first be taken by the Fire Commission pursuant to this provision, provided however all such actions shall thereafter be the subject of a ratification resolution by the Members. Such ratification shall be sought and obtained as soon as the Emergency circumstances reasonably permit.

Section 5. Member Meetings and Actions

Since there are no regularly scheduled Members meetings, all meetings of the Members shall be special meetings. Special meetings of the Members may be held at the request of any Member. A Member’s meeting request shall be in the form of a written resolution passed by the Member at a duly noticed and conducted town (or village) board meeting. The town clerk of the requesting Member shall certify the requesting Member’s resolution and deliver certified copies of that resolution to the town clerks of the other Members. Delivery shall be by personal delivery or regular mail. The resolution of the requesting Member may call for a meeting and/or may request the approval/disapproval of a particular proposed action. If the resolution of the requesting Member is for a meeting, then a meeting shall be scheduled and held at the New Franken Fire Station as a joint town board meeting of the respective municipalities. Notice of such meeting shall be posted by each Member municipality as a town board meeting notice and a quorum of each Member must be in attendance at any such Members meeting to constitute the quorum necessary to conduct the Members meeting. If the requesting Member is seeking action only, then each Member shall address the requested action by a written town board resolution promulgated by each respective Member at a duly noticed and conducted town board meeting. All responsive resolutions shall be certified by each responding Member’s town clerk and copies of such resolutions shall thereupon be filed with the secretary/treasurer of the Department. For clarification, all Member resolutions shall be certified by the Member’s town clerk and copies of all certified Member resolutions shall be delivered personally by regular mail to the Department’s secretary/treasurer. The secretary/treasurer of the Department shall thereupon deliver a copy of each such resolution to the town clerk of each respective Member by regular mail. Member actions, whether pursuant to a joint meeting or merely the issuance of a separate

resolution by each respective Member, shall only be authorized and enacted if there is unanimity among the resolutions promulgated by each respective Member. Unanimous approval by written resolution of all Members is required as to any action which requires Member approval.

Section 6. Members Equity and Responsibility

The equity interest of each Member in the assets of the Department is an undivided one-third (1/3) interest. Each Member's responsibility for capital expenditures shall be an equal one-third. Provided however, operating expenses funded pursuant to the Department's annual budget shall be the responsibility of each Member in proportion to the Member municipality's relative equalized assessed value (of real property improvements upon the land contained in each municipality).

Section 7. Non-Budgeted Expenditures/Fire Commission Authority

Except as to those expenditures requiring the unanimous approval of the Members and except as authority is expressly granted to the Fire Commission herein, the Members by majority resolution shall have the right to approve any proposed capital expenditures and/or increase in the number of fire personnel not otherwise included in the approved budget. Notice of such proposed and non-budgeted capital expenditures and/or increase in the number of fire personnel which require Member approval shall be given in writing to each Member municipality. Each Member municipality shall then place the expenditure request on the agenda of their next scheduled regular or special meeting of their governing body to approve or disapprove of such expenditure. In the event that the Department is over budget at the end of the calendar year, each community shall fund the deficit in proportion to its share of the Department's budget for that year. In the event that the Department is under budget for any year, said amounts shall be applied against the subsequent years' budget so as to reduce each Member's proportionate share of that future budget. The Fire Commission is hereby granted the authority to pass resolutions which: 1) reallocate budgeted funds for either budgeted or non-budgeted purposes; 2) increase a budgeted item or items or add a new budgeted item at any time. No such reallocation, increase or addition shall exceed \$25,000.00 per item. There is no annual cumulative monetary limit to the Fire Commission's authority granted herein.

Section 8. Member Mutual Indemnity for Uninsured Liability

The Members agree to indemnify each other as to claims for damages, injury or loss arising out of the operations of the Department for which there is no insurance coverage either through insurance policy exclusions, underinsurance, policy lapse, or any other reason. In any such event, each Member shall be responsible for and pay an undivided one-third of any such liability.

Section 9. Withdrawal of a Member

The withdrawal of a Member will not entitle the withdrawing Member to an immediate distribution in redemption of the Member's equity interest. There shall be no equity distribution to any Member other than the distribution of all of the Department's assets to all of the Members upon dissolution of the Department pursuant to Section 10.

Section 10. Dissolution of Department

The Department shall be dissolved upon the approval of a resolution by the Members by unanimous consent. The Department shall not be dissolved upon the occurrence of any other event, including the withdrawal of a Member or Members. So long as there is a single Member willing to continue to be a Member of the Department, the Department shall not be dissolved. A Member may request dissolution of the Department by issuing a meeting request or request for action pursuant to Section 5 of this Agreement. If the Members unanimously agree to dissolve the Department, the Members shall promptly appoint a dissolution committee consisting of the three Fire Commission officers. The dissolution committee shall proceed diligently to wind up the Department's affairs and distribute its assets in accordance with Section 6 of this Agreement. The Department shall not terminate its fire protection services until substitute fire protection services have been secured for the Member communities. All saleable assets of the Department may be sold in connection with any dissolution at public or private sale or at such price and upon such terms as the dissolution committee may deem advisable. A Member or any entity in which a Member is in any way interested may purchase assets at the sale. The dissolution committee may also, in its sole and absolute discretion, distribute the Department's assets in kind based on their fair market value. Upon the dissolution and winding up of the Department, the Department's assets shall be distributed in the following order of priority to the extent available: 1) first to creditors of the Department in satisfaction of any debts and liabilities of the Department (except for loans made by or to Members); and 2) to the Department's Members in accordance with each Member's respective equity interest as set forth in Section 6 of this Agreement. Each Member shall look solely to the Department's assets for all distributions from the Department and shall have no recourse upon dissolution against the dissolution committee, any other Members or any of their affiliates.

Section 11. Amendments to Agreement

No amendment or modification of this Agreement shall be valid unless made in writing and approved by a unanimous consent resolution of the Members.

Section 12. Creation and Delegation of Authority – New Franken Fire Commission

All authority not expressly reserved onto the Members in this Agreement is hereby granted to the New Franken Fire Commission. The New Franken Fire Commission shall consist of three officers and six other commissioners. The officers shall be: president, vice president, and secretary/treasurer. The officers shall serve a two-year term and shall be elected at large by majority vote of the Fire Commission, except that one officer position shall at all times be held by a representative of each Member. Each Member shall have an officer representative and two commission members on the New Franken Fire Commission at all times.

Section 13. Appointment of Commission Officers as Attorney-in-Fact

The Members hereby appoint the Fire Commission president and Fire Commission secretary/treasurer as the Department's true and lawful attorney-in-fact with full authority in the

name of the Department to execute, deliver, file, and record at the appropriate public offices such documents as may be necessary or appropriate to carry out the provisions of this Agreement, including but not limited to all certificates and other instruments necessary to effectuate the purposes of this Agreement. All such documents shall be signed by the Fire Commission president and countersigned by the Fire Commission secretary/treasurer.

Section 14. Fire Commission Meetings

The Fire Commission shall have quarterly meetings on the third Tuesday of January, April, July and October of each year. Special meetings of the Fire Commission may be called by an officer and shall be conducted at the New Franken Fire Station upon not less than 24-hours' prior notice. Special meeting notice shall be delivered by telephone notification to all officers and commissioners and shall be posted at the town halls of the three Members and at the New Franken Fire Station. All Fire Commission meetings shall be noticed and conducted in accord with Wisconsin Statutes Chapter 19 Subchapter V governing open meetings of governmental bodies.

Section 15. Fire Commission Powers

Other than the powers expressly reserved by the Members pursuant to this Agreement, all other powers necessary to conduct the normal and usual business of the Department are hereby granted to the Fire Commission. This grant of power includes, but is not limited to the power to: elect Fire Commission officers; appoint fire fighter officers pursuant to the recommendations received from the fire fighters; approve the hire, promotion, compensation, discharge, re-employment and discipline of employees; approve the annual Department budget as received from the budget committee; select accounting, legal, banking, and insurance service vendors for the Department; approve capital outlay items and expenses in excess of the amount(s) budgeted but not in excess of \$25,000.00 per item; obtain and maintain liability and property insurance sufficient to cover the Department's activities and its property; approve mutual aid agreements with other fire departments; determine the Department's document retention policy; determine the Department's fundraising policy; determine the Department's compensation practices; determine the Department's accounting and audit policies; and determine and conduct the ordinary course of the Department's activities.

Section 16. Committees

The Department shall have a budget committee consisting of four fire fighter officers (chief, assistant chief, captain and lieutenant) and the three Commission officers (president, vice-president and secretary/treasurer). The Department shall have an Occupational Health and Safety Committee as required by Comm. 30. The Commission may create other ad hoc or permanent committees as determined in the Commission's discretion.

Section 17. Fire Fighter Officers

The employment of any and all fire fighters is subject to approval of the Fire Commission. All fire fighters are eligible to become fire fighter officers. The fire fighter officers shall include:

fire chief, assistant chief, captain, lieutenant, and training officer. All fire fighter officers, except the fire chief, shall be elected by the fire fighters subject to approval of the fire fighter officers and official appointment by the Fire Commission. Fire fighters shall attend the Department's regular meetings on the second and fourth Wednesdays of each month.

The fire chief shall be appointed by the Fire Commission and shall serve a two-year term. The Fire Commission shall conduct regular fire chief performance reviews not less than biannually. The fire chief is responsible for: the general condition and efficient operation of the Department; the training of the fire fighter officers and fire fighters; and the performance of all other duties as determined under the laws of the State of Wisconsin or assigned by the Fire Commission. The fire chief shall make every effort to attend all fires and direct the officers and Members in the performance of their duties. The fire chief shall establish an inspection program to inspect all buildings within the jurisdiction of the Department regularly as required by the laws of the State of Wisconsin. The fire chief shall be responsible to investigate the cause of each fire and in case of suspicion of arson shall summon the appropriate criminal authorities to further investigate. The fire chief is responsible for: planning; directing; coordinating; staffing; enforcement of all guidelines, regulations and Department policies; completion of and forwarding of all required reports; Department relations with the citizens of the municipalities served; all other activities of the Department including its continuous and efficient operation; and such other activities as may be required by the Fire Commission. The fire chief shall develop and maintain a manual of standard operating guidelines for the Department which shall include fire fighter hiring, training, performance, and disciplinary procedures. Such manual shall be published, implemented and amended only with and subject to the approval of the Fire Commission. The fire chief shall be responsible for assigning specific duties to the fire fighter officers which at a minimum shall include the following:

- 1) a fire fighter officer or officers to assist in the preparing of apparatus and equipment after each alarm;
- 2) a fire fighter officer or officers to check that all fire fighters have properly completed their assignments after each alarm;
- 3) a fire fighter officer or officers to assist the fire chief in the maintenance of fire fighter discipline, proper organization and assignment of duties to insure efficient performance of the Department;
- 4) a fire fighter officer or officers responsible to assure that the equipment and supplies are being correctly used and maintained;
- 5) a fire fighter officer to be responsible for creating all Department equipment maintenance records and submitting those to the fire chief for inclusion in the Department's records;
- 6) a fire fighter officer shall be responsible for supply activities at fires and emergency situations;
- 7) a fire fighter officer who shall also be the designated safety officer of the Department and head of the Occupational Health and Safety Committee;
- 8) a fire fighter officer who shall be in charge of the inspection branch of the Department, and in that capacity shall make or cause to be made all inspections required by Wisconsin law, maintain records pertaining to such inspections, and train and verify the training of additional inspectors; and

- 9) a fire fighter officer or officers who shall be authorized by the fire chief to make public statements on behalf of the Department and serve as the Department's public information officer.

The assistant chief of the Department shall be recommended by the fire fighter officers to the Fire Commission, but appointed by the Fire Commission. The assistant chief shall be subject to an annual approval rating by the fire fighters. If the assistant chief's approval rating as determined by the fire fighters is 75% or more then no further action is required. However, if the assistant fire chief's approval rating as determined by the fire fighters is less than 75%, then the assistant fire chief's approval rating shall be presented to the Fire Commission whereupon a hearing shall be conducted and the Fire Commission shall issue a determination as to the cause(s) of the negative approval rating and the assistant chief shall be granted a period of one hundred eighty (180) days to correct the deficiencies that caused the negative approval rating. The assistant chief shall report to the fire chief at fires and emergencies and shall assist the fire chief with the discharge of the fire chief's duties. In the absence of the fire chief, the assistant chief shall be in command of the Department and shall be held responsible for the Department in all respects, with the full powers and responsibilities of the fire chief during all fires and emergencies, training sessions and investigations.

The captain of the Department shall be recommended by the fire fighter officers to the Fire Commission, but appointed by the Fire Commission. The captain shall be the subject of an annual approval rating by the fire fighters and must receive an approval rating of not less than 75%. If the captain's approval rating as determined by the fire fighters is 75% or more then no further action is required. However, if the captain's approval rating as determined by the fire fighters is less than 75%, then the captain's approval rating shall be presented to the Fire Commission whereupon a hearing shall be conducted and the Fire Commission shall issue a determination as to the cause(s) of the negative approval rating and the captain shall be granted a period of one hundred eighty (180) days to correct the deficiencies that caused the negative approval rating. The captain is the third in the chain of command behind the fire chief and assistant fire chief. Thus the captain shall assume the duties of the assistant fire chief in the assistant fire chief's absence, and shall assume the duties of fire chief in the absence of both the assistant fire chief and the fire chief.

The lieutenant of the Department shall be recommended by the officer staff to the Fire Commission, but appointed by the Fire Commission. The lieutenant shall be the subject of an annual approval rating by the fire fighters and must receive an approval rating of not less than 75%. If the lieutenant's approval rating as determined by the fire fighters is 75% or more then no further action is required. However, if the lieutenant's approval rating as determined by the fire fighters is less than 75%, then the lieutenant's approval rating shall be presented to the Fire Commission whereupon a hearing shall be conducted and the Fire Commission shall issue a determination as to the cause(s) of the negative approval rating and the lieutenant shall be granted a period of one hundred eighty (180) days to correct the deficiencies that caused the negative approval rating. The lieutenant's rank is fourth in command behind the fire chief, assistant fire chief, and captain. In the absence of a superior officer, the lieutenant's legal authority and responsibility shall rise to the highest vacant level not occupied by a superior firefighter officer.

The training officer of the Department shall be recommended by the officers' staff to the Fire Commission, but appointed by the Fire Commission. The training officer shall be the subject of an annual approval rating by the fire fighters and must receive an approval rating of not less than 75%. However, if the training officer's approval rating as determined by the fire fighters is less than 75%, then the training officer's approval rating shall be presented to the Fire Commission whereupon a hearing shall be conducted and the Fire Commission shall issue a determination as to the cause(s) of the negative approval rating and the training officer shall be granted a period of one hundred eighty (180) days to correct the deficiencies that caused the negative approval rating. The training officer's rank is fifth in command behind the fire chief, assistant fire chief, captain and lieutenant. In the absence of the superior officer, the training officer's legal authority and responsibility shall rise to the highest vacant level not occupied by a superior fire fighter officer. The training officer shall be responsible for the minimum training requirements of the fire fighters and shall prepare and submit all documentation of said education to the fire chief for inclusion in the Department's records. Under the direction of the fire chief, the training officer shall be responsible for the preparation and procurement of training materials for the education of the fire fighters.

Section 18. Fire Fighters Secretary/Treasurer

The fire fighters secretary/treasurer shall be elected by the fire fighters subject to approval of the fire fighter officers and official appointment by the Fire Commission. The fire fighters secretary/treasurer shall have the following duties:

- 1) take roll call attendance at all fire fighter meetings and document the same to the fire chief;
- 2) take minutes of all fire fighter meetings and deposit those written minutes into the Department's records as instructed by the fire chief;
- 3) administer any document the Special Non-budgeted Equipment Fund and the Firemen's Benevolent Account, including all receipts and disbursements therefrom;
- 4) handle and document all funds received for deposit into the Special Non-budgeted Equipment Fund and the Firemen's Benevolent Account pursuant to the voucher system set forth in Section 19 herein below; and
- 5) perform such other and further administrative duties as may be assigned by the fire chief.

Section 19. Department Accounts

The Department shall maintain three separate bank accounts: the Budget Fund; the Special Non-budgeted Equipment Fund; and the Firemen's Benevolent Account. The Budget Fund shall be the depository for the Members' respective annual contributions to the Department's operating budget. The Budget Fund shall be utilized for the expenditures set forth in the adopted annual budget and any non-budget expenditures funded and authorized by the Members. The Budget Fund shall be administered by the Fire Commission's secretary/treasurer. The Budget Fund shall also be utilized as the initial depository account for all receipts, donations and revenues intended for final deposit in the Special Non-budgeted Equipment Fund or the Firemen's Benevolent Account. All amounts received and intended for final deposit in the Special Non-budgeted

Equipment Fund or the Firemen's Benevolent Account shall be documented on a standard voucher form by the fire fighters secretary/treasurer. The voucher form shall list the source(s) of the funds, the nature (cash or check) of the funds, the amount(s) and ultimate account destination of the funds. The voucher form shall require and contain the signatures of both the fire fighters secretary/treasurer and the Fire Commission's secretary/treasurer. A copy of the fully signed voucher shall be retained by each secretary/treasurer for their respective records. The Fire Commission's secretary/treasurer shall deposit all funds received from the fire fighters secretary/treasurer into the Budget Fund. Every month, the Fire Commission's secretary/treasurer shall issue checks made payable to the Special Non-budgeted Equipment Fund or the Firemen's Benevolent Account for all available funds in the amount(s) designated on the correlative voucher(s) and deliver those checks to the fire fighters secretary/treasurer for deposit in those respective accounts. The term "available funds" here means only those funds attributable to bank-cleared checks.

The Special Non-budgeted Equipment Fund shall be the depository for the proceeds from the Department-sponsored annual walk/run and other community donations and contributions designated for that fund. Each year, the Fire Commission, upon the recommendation of the firemen, shall approve targeted items of equipment not otherwise accounted for in the budget as the purpose for the Special Non-budgeted Equipment Funds for that year. The Special Non-budgeted Equipment Fund shall be administered by the fire chief or the fire chief's designee. The fire chief shall provide the Fire Commission with a report of all receipts and expenditures from the Special Non-Budgeted Equipment Fund at the Fire Commission's October budget meeting.

The Firemen's Benevolent Account shall be the depository account for proceeds from the annual firemen's smelt fry and other community contributions earmarked by the donor for the Firemen's Benevolent Account. The purpose of the Firemen's Benevolent Account is to provide a wide range of benefits for the fire fighters including but not limited to: family support for fire fighters, memorials, flowers, jackets, hats, shirts, finance for the annual firemen's picnic, etc. The Firemen's Benevolent Account shall be administered by the fire chief or the fire chief's designee. The fire chief shall report all receipts and expenditures from the Firemen's Benevolent Account to the Fire Commission at the Fire Commission's annual October budget meeting.

Section 20. Recordkeeping

All Department records shall be kept upon the premises of the New Franken Fire Station. Department records include but are not limited to: all Commission meeting minutes; all fire fighter meeting minutes; all Member meeting minutes; all Member resolutions; all records required to be kept pursuant to Wisconsin Department of Commerce regulations, including but not limited to records of all work-related injuries and illnesses; all training records; all personnel files; all records regarding the Budget Fund, Special Non-budgeted Equipment Fund, and Firemen's Benevolent Account including but not limited to all revenues and expenditures being set forth therein pursuant to generally accepted accounting principles consistently applied; all insurance policies; and any and all other documents or electronic records containing information regarding Department operations, receipts, expenditures, and policies.

Section 21. Fundraising Policy

Other than the annual Department-sponsored walk/run, smelt fry, water sales and daycare programs, all other fundraising efforts utilizing the trade name or trademark of the Department shall be subject to the recommendation of the fire chief and approval by the Fire Commission. All such approvals shall be in writing signed by the fire chief. The Department will prosecute all unauthorized use of its trade name and/or trademark. Fire fighter officers and fire fighters shall not use the Department's letterhead, trade name or trademark, nor otherwise suggest fire department involvement or influence in any fundraising endeavor without the prior express written consent of the fire chief. The fire chief shall retain a copy of all such written consents granted in the Department records.

Section 22. Competitive Bidding Policy

All contracts for the construction, manufacture, acquisition, repair, remodeling or improvement of any Department building, real or personal property, with an estimated cost greater than \$5,000.00, shall be governed by this policy (and shall hereinafter be referred to as "Department Contract(s)"). A written request for proposals ("RFP") containing the specifications, terms and conditions of the intended Department Contract shall be prepared by the Fire Chief or the Chief's designee. Before any publication or other advertisement of the RFP: 1) if the RFP has an estimated value greater than \$5,000.00 but less than \$25,000.01 then the RFP shall be subject to the approval of the Fire Commission or its designated officer; or 2) if the RFP has an estimated value of \$25,000.01 or more then it shall be subject to approval by resolution of the Members as provided in Section 4 herein above. All RFP's shall be the subject of a published advertisement for bids and may also be disseminated to qualified potential contractors by any other means designed to advertise and encourage competitive bidding for the proposed Department Contract. As to the published advertisement for bids: if the RFP has an estimated value greater than \$5,000.00 but less than \$25,000.01, then a Class I Notice under Chapter 985 Wisconsin Statutes shall be published; and if the RFP has an estimated value of \$25,000.01 or more, then a Class II Notice under Chapter 985 Wisconsin Statutes shall be published. Department Contracts with a value greater than \$5,000.00 but less than \$25,000.01 shall only be awarded by a majority vote of the Fire Commission. Department Contracts having a value of \$25,000.01 or more shall only be awarded pursuant to the Members' resolution required by Section 4 herein above. All Department Contracts shall be let to the lowest responsible bidder. This policy does not govern Department Contracts with a municipality as defined under Section 66.0301 Wisconsin Statutes. This policy is optional with respect to Department Contracts for the repair and construction of Department facilities or personalty when damage or threatened damage to the facility or personalty creates an emergency that endangers the public health or welfare of the towns served by the Department, as declared by resolution of the Fire Commission. This emergency exception no longer applies when the Fire Commission declares that the emergency no longer exists. This policy is optional, in the discretion of the Fire Commission, with respect to a Department Contract if the materials related to the Contract are donated or if the labor that is necessary to execute the public Contract is provided by volunteers.

Section 23. Fire Auxiliary

The fire auxiliary is hereby created as a subunit of the Department. Membership in the fire auxiliary shall be limited to Department fire fighters who are employed part-time on a limited basis by the Department because they are capable of assisting the Department. The fire auxiliary shall consist of no more than seven (7) members. All members of the fire auxiliary shall be appointed by the fire chief subject to the approval of the Fire Commission. To be eligible for membership in the fire auxiliary, the fire fighter shall: (1) have been a fire fighter with the Department for not less than ten (10) years; and (2) shall be an active fire fighter in good standing at the time of appointment. Fire auxiliary members will be compensated for attending meetings and fire calls at a compensation rate which is fifty percent (50%) of the fire fighters' compensation rates. Fire fighter auxiliary member activities shall be principally focused upon non-fire fighting activities. Fire fighting activities assigned to a fire auxiliary member shall be limited to those which are considered light duty in the context of fire fighting such as truck driving, accounting for personnel and others at the scene, traffic control, etc. Exceptions to this light duty policy for fire auxiliary members shall be made only with the express written approval of the fire chief who shall deposit a copy of such express written approval into the records of the Department and a second copy into the records of the Fire Commission. Fire auxiliary members may assist the Department at fire scenes or at the station, only if the fire auxiliary member has been trained and continues to train for the task(s) the fire auxiliary member is undertaking. Fire auxiliary members may also assist the Department with fundraisers and cooking at the station. A fire fighter who is appointed to the fire auxiliary will be entitled to keep his pager and fire fighting gear as a member of the fire auxiliary, but only while an active member of the auxiliary. Fire auxiliary members shall not have any voting rights as to fire fighter officer selections or approval ratings. All fire fighter auxiliary members will be invited to the annual fire fighter appreciation banquet.

Section 24. Integration

This Agreement supersedes all prior oral or written agreements or understandings between the Members to this Agreement regarding the subject matter of this Agreement.

Section 25. Binding Provisions

The agreements and covenants contained in this Agreement inure solely to the benefit of the Member parties to this Agreement. The agreements and covenants contained in this Agreement shall be binding on the successors and assigns of the respective Member parties to this Agreement.

Section 26. Applicable Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin.

Section 27. Separability of Provisions

Each provision of this Agreement shall be considered separable, and if for any reason any provision or provisions of this Agreement are determined to be invalid or contrary to any existing or future law, the invalidity shall not affect or impair the operation of those portions of this Agreement that are valid.

Section 28. Counterparts

This Agreement may be executed in counterparts all of which taken together shall constitute the same agreement.

Section 29. Role of Counsel Representing the Department

This Agreement has been drafted by Attorney Steven Evan Gillis as counsel for the Department. Each Member acknowledges and agrees that: 1) although Steven Evan Gillis is the Town Attorney for the Town of Humboldt, Attorney Gillis has not represented the Town of Humboldt in any way in connection with this Agreement, nor has Attorney Gillis represented any other Member in any way in connection with this Agreement; 2) a conflict may exist between a Member's interest and the interests of the Department and the other Members; 3) each Member has been advised by Attorney Gillis that this Agreement can have material consequences for a Member; and 4) each Member has been advised to seek the advice of independent legal counsel and has had the opportunity to do so regarding this Agreement.

In witness whereof, the undersigned have executed this Agreement as of this 15 day of January, 2008.

Member: Town of Green Bay

By: Lee DeChamps
Lee DeChamps, Chairman

By: Cary DeQuaine
Cary DeQuaine, Supervisor

By: Dianne Jacobs
Dianne Jacobs, Supervisor

Member: Town of Humboldt

By: Norbert Dantine, Jr.
Norbert Dantine, Jr., Chairman

By: Merlin Vanden Plas
Merlin Vanden Plas, Supervisor

By: Charles Kartopp
Charles Kartopp, Supervisor

Member: Town of Scott

By: Mike Van Lanen
Mike VanLanen, Chairman

By: Cyfil Van Laanen
Cyfil Van Laanen, Supervisor

By: Kenneth Jacobs
Kenneth Jacobs, Supervisor

By: Colleen Harris
Colleen Harris, Supervisor

By: Thomas R. DePas
Thomas DePas, Supervisor

Attest: Donald L. Gibson
Donald L. Gibson, Clerk

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

**ORDINANCE AUTHORIZING FIRE CHIEF TO MAKE AND ENFORCE
LAWFUL ORDERS, ESTABLISH EMERGENCY FEE SCHEDULE,
COLLECT AND DISBURSE EMERGENCY FEES, AND
OBTAIN SPECIAL INSPECTION WARRANTS**

WHEREAS, the Town of Green Bay has reaffirmed the creation of the New Franken Fire Department and adopted the Operating Agreement for the New Franken Fire Department (“Operating Agreement”) to provide effective and efficient fire protection services to the Town of Green Bay to promote and protect public health, safety and welfare; and

WHEREAS, the Fire Chief of the New Franken Fire Department has been empowered by the Town of Green Bay to perform all duties as determined under the Operating Agreement and the laws of the State of Wisconsin; and

WHEREAS, that pursuant to the Town of Green Bay Code of Ordinances, the Town of Green Bay joined in the creation of the Brown County Joint Municipal Court (“Municipal Court”) to promote public health, safety, welfare and convenience by providing local authority and jurisdiction to the Municipal Court to, among other things, enforce the Town’s ordinances; and

WHEREAS, the Town of Green Bay Code of Ordinances authorizes the New Franken Fire Department to issue citations summoning ordinance violators into Municipal Court on behalf of the Town; and

WHEREAS, by this Ordinance the Town hereby: adopts State law; provides clear local enforcement authority to the Fire Chief to assure that the Fire Chief’s lawful orders are obeyed; and provides further authority to the Fire Chief to, among other things, establish and collect fees for certain New Franken Fire Department emergency calls.

NOW, THEREFORE, be it hereby ordained by the Town of Green Bay Town Board that:

Section 1. Title and Purpose.

The title of this Ordinance is: Ordinance Authorizing Fire Chief to Make and Enforce Lawful Orders, Establish Emergency Fee Schedule, Collect and disburse Emergency Fees, and Obtain Special Inspection Warrants. The purpose of this Ordinance is for the Town of Green Bay to empower the New Franken Fire Chief to enforce the Chief's lawful orders in the Municipal Court, to facilitate the charging and collection of emergency fees and restitution in appropriate cases, and to provide enhanced public safety and protection.

Section 2. Authority & Adoption of Ordinance.

- (a) Authority. This Ordinance is adopted pursuant to the authority granted to the Town Board of the Town of Green Bay pursuant to Wisconsin Statutes: § 26.13, § 26.14, § 60.22, § 61.34, § 60.23(23), § 60.55, § 60.555, § 60.557, § 66.0107, § 66.0114, § 66.0119, § 66.0608(2), § 101.14, § 101.141, § 101.145, § 101.645, § 165.55, § 213.08, and § 213.095.
- (b) Adoption. The Town Board of the Town of Green Bay, Brown County, Wisconsin, by this Ordinance, adopted on proper vote with a quorum and by roll call majority vote by the Town Board, hereby adopts certain State Statutes and hereby empowers the Fire Chief of the New Franken Fire Department for the purpose of providing enhanced protection and preservation of the health, safety, welfare and convenience of the citizens of the Town of Green Bay.

Section 3. Definitions.

- (a) "Chief" means the Fire Chief of the New Franken Fire Department.
- (b) "Designated Inspector" means a fire inspector authorized and designated by the Chief as provided in Wis. Stat. §101.14(2).
- (c) "Emergency Fee" means the costs for a fire call as reasonably determined and published by the Chief upon the NFFD Emergency Fee Schedule.
- (d) "Firefighter" means and is limited to a firefighter expressly authorized by the Chief or an Officer to perform a particular act.
- (e) "NFFD" means the New Franken Fire Department.
- (f) "Officer" means the Chief assistant chief, captain, lieutenant and training officer.

- (g) “Section” when appearing as the symbol “§” means a section or subsection of the Wisconsin Statutes; but when appearing as the word “Section” or “Sections” means a section, subsection or sections of this Ordinance.
- (h) “Separate Offense” means:
 - (1) Each day and each successive day upon which a violation of Sections 4(a)(1), 4(c)(1), 4(c)(2), 4(c)(3), 4(c)(4) or 4(c)(5) occurs and continues constitutes a separate offense;
 - (2) Each time a command or order is ignored, refused or not obeyed in violation of Sections 4(b)(1), 4(b)(2), 4(b)(3), 4(b)(4) or 4(e)(2) constitutes a separate offense; and
 - (3) Each separate act in violation of Sections 4(a)(2), 4(a)(3) or 4(e)(1) constitutes a separate offense.

Section 4. Authority to Make and Enforce Lawful Orders & Obtain and Execute Special Inspection Warrants.

- (a) Fire Investigations. Pursuant to Wis. Stat. § 165.55, the Fire Chief is required to investigate or cause to be investigated the cause, origin and circumstances of every fire occurring in the Town of Green Bay by which property has been destroyed or damaged when the damage exceeds \$500.00, and on fires of unknown origin the Fire Chief must especially investigate whether the fire was the result of negligence, accident or design. In the course of any such investigation, the Fire Chief may demand that an insurer furnish information in its possession relating to the fire.
 - (1) No insurer shall refuse, ignore or fail to timely furnish any information in its possession relating to a fire loss involving property to which a policy of insurance issued or serviced by that insurer may apply.
 - (2) No insurer or person acting on behalf of an insurer shall commit fraud or malice in any statement made, material furnished or action taken in regard to the Fire Chief’s demand for information.

- (3) No person shall “obstruct” the Fire Chief’s fire investigation by knowingly giving false information, or knowingly placing, removing, altering or concealing physical evidence with intent to mislead the fire investigation.
- (b) Fire or Emergency Scenes. Pursuant to Wis. Stat. § 213.095, the Fire Chief, Officers and firefighters of the New Franken Fire Department in the course of their duties of extinguishing fires, preventing fire hazards, or responding to first aid calls involving either persons or property, have the authority to: suppress any disorder and order all individuals or companies to leave the neighborhood of any fire or first aid scene; command from the inhabitants of the Town all necessary assistance for the suppression of fires and the preservation of property exposed to fire; enter any premises to do whatever may reasonably be necessary in the performance of the officer’s duties while engaged in the work of extinguishing any fire or performing any duties incidental thereto; and enter any property or premises to do whatever may reasonably be necessary in the performance of the Officer’s duties while engaged in the work of aiding persons or minimizing the loss to property at a first aid scene. No person at a fire or emergency scene shall:
- (1) Ignore, refuse or fail to obey any order, by the Fire Chief, an Officer or Firefighter: issued to suppress disorder; or commanding the person to leave the neighborhood of any fire or first aid scene.
 - (2) Ignore, refuse or fail to obey the command of the Fire Chief, an Officer or Firefighter to provide all necessary assistance for the suppression of fire or the preservation of property exposed to fire.
 - (3) Block, hinder, obstruct, delay or deny the Fire Chief, Officer or Firefighter entry to any property or premises to do whatever may be reasonably necessary in the performance of NFFD’s duty while engaged in the work of extinguishing any fire or performing any duties incidental thereto.
 - (4) Block, hinder, obstruct, delay or deny the Fire Chief, Officer or Firefighter entry to any property or premises to do whatever may be reasonably necessary in the performance of NFFD’s duty while engaged in the work of aiding persons or minimizing the loss to property at a first aid scene.

(c) Inspections. Pursuant to Wis. Stat. § 101.14, the Fire Chief, as a Deputy of the Wisconsin Department of Safety and Professional Services, is required to provide for the regular inspection of every public building and place of employment in the Town of Green Bay within required time periods and make reasonable orders for the repair or removal of any building or other structure which for want of repair or by reason of aged or dilapidated condition or for any other cause is especially liable to fire, and which is so situated as to endanger other buildings or property. The Fire Chief may also order the repair or removal of any combustible or explosive material or inflammable conditions, dangerous to the safety of any building or premises or the occupants thereof or endangering or hindering firefighters in case of fire. The Fire Chief is authorized to at all reasonable hours enter into and upon all buildings, premises and public thoroughfares excepting only the interior of private dwellings, for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violation of any law or order relating to the fire hazard or the prevention of fires. The Fire Chief is required to provide inspections with the minimum frequency required by law, but the Fire Chief may require more frequent inspections than the minimum required by law. The Fire Chief is required to designate a sufficient number of inspectors to make the inspections required by law. No person shall:

- (1) Block, hinder, obstruct, delay or deny the Fire Chief or a Designated Inspector requested access to a public building or place of employment for the purpose of performing any inspection authorized by law.
- (2) Ignore, refuse or fail to obey any reasonable order for the repair or removal of any building or other structure which for want of repair or by reason of aged or dilapidated condition or for any other cause is especially liable to fire, and which is so situated as to endanger other buildings and property.
- (3) Ignore, refuse or fail to obey any order for the repair or removal of any combustible or explosive material or inflammable conditions dangerous to the safety of any building or premises or the occupants thereof or which may endanger or hinder firefighters in case of fire.
- (4) Ignore, refuse or fail to obey any order requiring correction of: any condition liable to cause fire; or violation of any law or

other order relating to minimizing or eliminating fire hazard or promoting the prevention of fires.

- (5) Ignore, refuse or fail to obey a written notice regrading installation or maintenance of a residential building smoke detector issued by the Chief pursuant to Wis. Stat. § 101.145.
- (d) Special Inspection Warrants. Pursuant to Wis. Stat. § 66.0119, the Chief is hereby authorized to apply for, obtain and execute special inspection warrants for inspection of personal or real properties which are not public buildings or for portions of public buildings which are not open to the public upon showing that consent to entry for inspection purposes has been refused.
- (e) Chief Fire Warden. Pursuant to Wis. Stat. § 26.13, as town fire warden for the Town, the Town Chairman hereby delegates to the Chief full authority to perform all delegable duties of town fire warden and appoints the Chief as an emergency fire warden.
 - (1) Among other things, in his role as a fire warden, the Chief shall monitor fire risk conditions in the Town. Whenever the Chief deems it imprudent to set fires upon any land in the Town, the Chief may seek fire prohibition resolutions from the Town Board causing the posting of notices forbidding the setting of fires in the Town except those utilized for warming the person or cooking food. Any such Town Board resolution shall remain in effect until further written advice has been received from the Chief advising the Town Board that the fire ban resolution be rescinded.
 - (2) The Chief is hereby empowered to take prompt measures against the spread and illegal setting of fires, and as to the later issue citations under this Ordinance. The Chief may also call upon any able-bodied citizen to assist in fighting fires in such manner as the Chief directs, and any able-bodied citizen who refuses to render assistance may be subjected to the Chief's issuance of a citation for such unlawful refusal.
 - (3) The Chief shall be responsible for preparing the itemized accounts on forms provided by the Department of Natural Resources documenting the Chief's services, the services of

others and other expenses incurred in fighting any forest fire pursuant to Wis. Stat. § 26.14(4).

- (4) As provided at Wis. Stat. § 26.14(9)(b), any person who sets a fire on any land and allows such fire to escape and become a forest fire shall be liable for all expenses incurred in the suppression of the fire by the Town and NFFD and the Chief shall account for those expenses and pursue recovery of those expenses from the responsible persons either as restitution in the Municipal Court or pursuant to other civil action commenced within two (2) years of the setting of the fire as provided in Wis. Stat. § 893.91.

Section 5. State Statutes Adopted and Enforceable by Chief.

- (a) Statutes Adopted. The provisions of Wis. Stat. § 26.14(5), failure to extinguish a fire set; Wis. Stat. § 26.14(6), setting a fire and allowing it to escape and become a forest fire; Wis. Stat. § 26.14(7), setting a fire for the purpose of driving out game birds or animals; Wis. Stat. § 26.14(8), setting fire to the land of another or a marsh; Wis. Stat. § 941.10, negligent handling of burning materials; Wis. Stat. § 941.11, unsafe burning; Wis. Stat. § 941.12, interfering with firefighting; Wis. Stat. § 941.13, false alarm; Wis. Stat. § 941.37, obstructing emergency or rescue personnel; Wis. Stat. § 941.375, public safety worker protection; Wis. Stat. § 940.20, battery for firefighter; Wis. Stat. § 946.40, refusing to aid officer; and Wis. Stat. § 946.41, resisting or obstructing officer; are hereby adopted as part of this Ordinance.
- (b) Citation Issuance. The Chief may issue citations for violations of Section 5(a) and every other section of this Ordinance.

Section 6. Reimbursement for Fire Calls.

- (a) Fire Calls on Highways. Pursuant to Wis. Stat. § 60.557, the Chief is hereby authorized to document statutorily required written proof and may thereupon attempt to collect the costs incurred by NFFD in responding to vehicle fire calls:
 - (1) On a county trunk highway: from the insurer of the person to whom the fire call was provided; or from the person to whom the fire call was provided but only if unsuccessful in collecting from the insurer or if the person has no insurer. If unsuccessful

in collecting from the insurer or the person, then the Chief may proceed to collect the statutory reimbursement from the county maintaining that portion of the highway where the vehicle was located at the time of the call.

- (2) On a state trunk highway or any highway that is part of the national system of interstate highways and maintained by the Wisconsin Department of Transportation: from the insurer of the person to whom the fire call was provided; or from the person to whom the fire call was provided but only if unsuccessful in collecting from the insurer or if the person has no insurer. If unsuccessful in collecting from the insurer or the person, then the Chief may proceed to collect statutory reimbursement from the Department of Transportation for the costs, even if the fire equipment is not actually used.
- (b) Emergency Fee Schedule. The Chief shall determine the reasonable costs incurred by NFFD for a fire call. The reasonable costs shall include NFFD's operating and maintenance costs for response by its personnel and apparatus to emergency calls. The Chief shall thereafter document, publish, and from time to time thereafter update, revise and republish that document as the NFFD Emergency Fee Schedule.
- (c) Recovery of Fee Amounts. The Chief is hereby authorized to exercise the Chief's discretion to recover the amounts dictated by the Emergency Fee Schedule as and for the costs incurred by NFFD: in responding to any call under Section 6(a); or in the Town's Municipal Court as restitution for any other violation of any other Section of this Ordinance.
- (d) Amounts Recovered. All Emergency Fees recovered pursuant to Section 6(c) shall be payable to NFFD, disbursed to the NFFD capital account portion of NFFD's Budget Account accumulated and utilized for the acquisition of new equipment for NFFD.

Section 7. Penalty Provision.

- (a) Separate Offenses. Forfeitures, restitution, injunctive and such other relief as permitted by law may be pursued as to each and every violation of this Ordinance. All available legal and equitable remedies may be pursued as to each Separate Offense as defined in Section 3(h) above and by the statutory and common law of Wisconsin.

- (b) Forfeitures. Upon the issuance of a citation returnable to the Municipal Court and upon conviction, any person or legal entity that fails to comply with the provisions of this Ordinance, in addition to any such other or further order(s) for restitution or other relief issued by the Municipal Court, shall be required to pay a forfeiture of not less than \$50.00 nor more than \$500.00, plus the applicable surcharges, assessments, and costs for each Separate Offense, except that no forfeiture charged hereunder shall exceed any State Law prescribed maximum forfeiture for those violations of State Laws adopted as provisions of this Ordinance. In addition to the forfeiture and costs, the convicted person or entity shall fully reimburse the Town for all Town Attorneys' fees incurred by the Town in the investigation and prosecution of each charged violation.
- (c) Injunctive Relief. In addition to the forfeitures and restitution remedies available in the Town's Municipal Court, the Town may in an appropriate case seek injunctive relief from a Circuit Court to enjoin further violations.

Section 8. Severability.

If any provision of this Ordinance or its application to any person, entity or circumstance is held invalid by a final court judgment, the invalidity of that provision or application in that instance does not affect other provisions or applications of this Ordinance that can be given effect with the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

Section 9. Effective Date.

- (a) This Ordinance is effective on the date following the date of its adoption by the Town Board.
- (b) The Town Clerk shall lawfully publish this ordinance as provided in Wis. Stat. § 60.80(5).

Adopted this 13th day of December, 2016 by the Town of Green Bay Town Board, Brown County, Wisconsin.

TOWN OF GREEN BAY

By: /s/ Lee DeChamps, Town Chairman

By: /s/ Debbie Mercier, Town Clerk

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

AN ORDINANCE ESTABLISHING FIRE PROTECTION CHARGES

Section 1. Authority.

This ordinance is adopted pursuant to the authority granted to town boards under Wis. Stat. § 60.55(2)(b), which allows towns to recover the cost of fire calls made to properties located within the town.

Section 2. Liability for Fire Protection Costs.

The Town of Green Bay, Brown County, Wisconsin, hereby imposes a charge for each fire call made within the limits of the Town of Green Bay. This fee shall not exceed the actual cost to the Town for the fire call. The charge shall be made according to a fee schedule that will be maintained by the Town. If the fire call is to real estate located within the Town, the charges shall be imposed on all owners of the real estate to which the particular fire call is made. The liability for the charges shall be joint and several as to all owners of the real estate. In the event that a fire call is made to personal property located within the Town, such as a vehicle, the charges provided for under this ordinance shall be imposed on all owners of such personal property. The liability for the charges shall be joint and several as to all owners of the personal property.

Section 3. Payment of Fire Call Fee.

The fire call charges provided for in this ordinance shall be paid in full to the clerk of the Town of Green Bay no later than 60 days after the date of the particular fire call.

Section 4. Unpaid Accounts.

The failure to pay any bill for charges incurred pursuant to this ordinance within 60 days of the date of the fire call will result in interest being charged from the date of the bill according to the fee schedule. Any bill for a fire call to real estate, plus any accrued interest, that has been unpaid for 90 or more days as of November 1 of any year shall become a lien against the real estate and shall be placed on the tax roll as a delinquent special charge under Wis. Stat. § 66.0627.

Section 5. Severability.

Should any section of provisions of this ordinance be declared invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date.

This ordinance shall become effective upon adoption and publication or posting as provided by law, pursuant to Wis. Stat. § 60.80.

TOWN OF GREEN BAY

By: /s/ Cary Dequaine, Town Chairman

By: /s/ Debbie Mercier, Town Clerk

Adopted: January 8, 2019

Date of Posting: January 9, 2019

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

AN ORDINANCE ADOPTING UNIFORM DWELLING CODE

The Town Board of the Town of Green Bay, upon proper notice and with quorum present and voting, hereby ordains the following amendments to the Town's Uniform Dwelling Code Ordinance:

Section 1. Authority.

These regulations are adopted under the statutory authority granted pursuant to §§ 101.65, 101.651, and 101.761 of the Wisconsin Statutes.

Section 2. Purpose.

The purpose of this Code is to promote the health, safety, and general welfare of our community, to protect property values and provide for orderly, appropriate development and growth of the community.

Section 3. Definitions.

As used in this Chapter, the following terms have the meaning prescribed herein: (any time not defined herein shall follow the Wisconsin Administrative Code definitions.)

- (a) Building. Any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, cultural activities or other purpose. The term does not include children's play structures, agricultural barns, agricultural sheds or agricultural accessory buildings.
- (b) Building Inspector. The individual(s) or firm appointed by the Municipality to exercise all of the powers and duties of a building inspector under Wisconsin law.
- (c) Construction. Any part or portion of the activity of installing, locating, siting, erecting or razing a building.
- (d) Contractor. Any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies, materials.
- (e) Demolition. The activity of completely or partially destroying a previously erected or constructed building.

- (f) Electrical. The trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including any work which may be performed by a master electrician licensed by the State of Wisconsin or a person under the supervision of such an electrician.
- (g) HVAC. An acronym which stands for Heating, Ventilating and Air Conditioning; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.
- (h) Occupancy. The act of utilizing a building for human habitation, use, or occupancy. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence, detached residential accessory structure, or commercial use shall constitute occupancy.
- (i) Owner. The individual, firm or entity which has recorded title to the real estate on which construction or demolition is taking place.
- (j) Plumbing. The trade which relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the State of Wisconsin or work under the supervision of such a plumber.
- (k) Repairs. Repairs for purposes of maintenance or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light, ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior esthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.
- (l) Stop work order. A directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on the construction project until the building inspector has authorized the resumption of the construction project.

Section 4. Scope.

The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since June 1, 1980.

- (a) Notwithstanding s. SPS 320.05, the scope also includes the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under ss. SPS 320.19 and 320.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per s. SPS 320.19 (intro.) so that equivalency is maintained to the intent of the rule being petitioned. As the board of appeals approves petitions for variance, the chief inspector is granted the power to apply the results to similar circumstances by precedent.
- (b) Notwithstanding s. SPS 320.05, the scope also includes the construction and inspection of detached garages serving one- and two-family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the Uniform Dwelling Code. Petitions for variance and appeals shall be handled as in the previous paragraph.
- (c) The scope of this ordinance also includes the construction and inspection of new camping units as required in SPS 327.06, as amended.
- (d) Notwithstanding s. SPS 320.05, the scope also includes the construction and inspection of alterations and additions to existing dwellings built after June 1, 1980.
- (e) Building and Heating Ventilating and Air Conditioning Code, Chapter Comm 64, Wisconsin Administrative Code, for maintenance of buildings built prior to July 1, 2002. For new buildings, alterations, and additions started on or after July 1, 2002, Wisconsin Commercial Building Code, Chapters SPS 360-366.

Section 5. Permit Required.

BUILDING PERMIT REQUIRED. Any person, unless exempt under this Ordinance, who constructs, installs, repairs, reconstructs, removes, demolishes, or remodels any private building or structure in the Town, including building, heating, ventilating, plumbing or electrical work or service, or who causes the same to occur, shall seek and obtain from the Town a Town Building Permit prior to commencing, or causing the commencement of, construction, removal, demolition, installation, repair, reconstruction or remodeling project. This shall include the following:

- (a) New buildings.
- (b) Additions that increase the physical dimensions of a building including decks.
- (c) Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.
- (d) Alteration of plumbing, venting, electrical or gas supply systems.

- (e) Any electrical wiring for new construction or remodeling.
- (f) Any HVAC for new construction or remodeling.
- (g) Any plumbing for new construction or remodeling.
- (h) Camping units.
- (i) Construction of remodeling to a detached accessory structure that is over 100 sq. ft.
- (j) Commercial Buildings.

Section 6. Adoption of State Codes.

(a) WISCONSIN UNIFORM DWELLING CODE ADOPTED. The Wisconsin Uniform Dwelling Code, Chs. SPS 320-325, SPS 381-387 Plumbing and SPS 316 Electrical of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

(b) WISCONSIN CAMPING CODE ADOPTED. The Wisconsin Camping Unit Code, Chs. SPS 327 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to camping units within the scope of this ordinance.

(c) WISCONSIN COMMERCIAL BUILDING CODE ADOPTED. The Wisconsin Commercial Building Code, SPS 361-366 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

Section 7. Building-HVAC-Electrical-Plumbing Inspector.

- (a) Creation and Appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specified under SPS 305, Wisconsin Adm. Code.
- (b) Subordinates. The Building Inspector may employ, assign or appoint, as necessary, subordinate, mechanical inspectors. Any subordinate hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Adm. Code, by the Department of Safety and Professional Services.

- (c) Duties. The Building Inspector shall administer and enforce all provisions of this ordinance.
- (d) Powers. The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Inspector or his/her agent while in the performance of his/her duties. In the event that the inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to § 66.0119, Wis. Stat.
- (e) Inspections. In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contactor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable.
 - (1) Footing
 - (2) Foundation
 - (3) Rough Carpentry, HVAC, Electric and Plumbing
 - (4) Draintile/Basement Floor
 - (5) Underfloor Plumbing
 - (6) Electric Service
 - (7) Insulation
 - (8) Final Carpentry, HVAC, Electric & Plumbing
 - (9) Erosion Control
- (e) Failure to request any inspection will be the responsibility of the contractor and/or property owner. No Construction shall be deemed approved by default or lack of inspection by the Building Inspector.
- (f) The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request any inspection, will be the responsibility of the contractor and/or property owner.
- (g) Records. The Building Inspector shall perform all administrative tasks requires by the Department under all codes covered in Section 6. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

Section 8. Submission of Plans.

The owner or contractor shall, with respect to any proposed construction or demolition, submit two sets of building plans to the Inspector for any work which expands the size of a building, any new building or as required by the Inspector. If a new building or building addition is proposed, then a plot plan drawn to scale showing such proposed work and existing buildings and property lines shall be submitted. A third set of plans may be requested at the discretion of the Building Inspector for the Assessor. The Building Inspector may require the owner or contractor to submit plans for any construction or demolition project when the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

Section 9. Issuance of Permit.

ISSUANCE OF PERMIT. The Inspector shall issue the requested permit if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. The permit shall expire 24 months after issuance if the dwelling exterior has not been completed. Permit may be extended for 30, 90, or up to 180 days with the Building Inspector's approval and payment of permit fees. By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur. Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.

Section 10. Occupancy Permit.

If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the Inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building's occupants, the Building Inspector may issue a temporary occupancy permit for 30 days or a specified term. No person may have occupancy of a building until an occupancy permit is issued.

Section 11. Unsafe Buildings.

Whenever the Building Inspector determines that any building or structure is so old, dilapidated or has become so out of repair as to be dangerous unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, the inspector shall order the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, is at the owner's option. Such orders and proceedings shall be as provided in § 66.0413, Wis. Stat.

Section 12. Fees.

BUILDING PERMIT FEE. The building permit fees shall be determined by resolution and shall include \$30.00 to be forwarded to the Wisconsin Department of Safety and Professional Services for a UDC permit seal that shall be assigned to any new dwelling. A camping unit building permit shall be determined by resolution and shall include \$30.00 to be forwarded to the Wisconsin Department of Safety and Professional Services for a UDC permit seal that shall be assigned to any camping unit. A person who obtains a Wisconsin camping unit building permit from the Village shall retain the Village to conduct the inspection of the camping unit as required under s. SPS 327.11. The inspection fee for camping units shall be \$30.00.

Section 13. Violations and Penalties.

- (a) Prohibition. No person, entity, or firm may construct, remodel, demolish or repair any building in a manner which violates any provision or provisions of this ordinance.
- (b) Every person, firm or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution.
- (c) Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
- (d) Compliance with the requirements of this ordinance is necessary to promote the safety, health and well-being of the community and the owners, occupants and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance that may be enjoined in a civil action.

Section 14. Stop Work Order.

The Building Inspector may issue a stop work order for a project to prevent further Non-complying work. No person, firm or entity may continue a construction project after a stop work order has been issued. The person, firm or entity that receives such a stop work order may contest the validity of the same by requesting a hearing before the municipality. The municipality shall hear the appeal within seven days. The municipality shall affirm the stop work order unless the owner or contractor shows that the Building Inspector erred in determining that the construction project violated a provision or provisions of the State building codes.

Section 15. Variance.

The Municipality shall hear requests for variances from the building code to the extent the municipality has authority to hear and grant variances. The municipality shall approve,

conditionally approve, or deny a requested variance. The municipality may grant a variance from a code requirement only if the variance is permitted by state law and if the performance of the proposed variance is equal to or greater than the code requires.

Section 16. Appeals.

Any person feeling aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Town Board. The municipality will follow procedures explained on Wisconsin Statutes Chapter 68, to arrive at a final determination. Final determinations may be reviewed as explained in Wisconsin Administrative Rules SPS 320.21.

Section 17. Disclaimer and Non-Liability for Damages.

This ordinance shall not be construed as an assumption of liability by the municipality or the Building Inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

Section 18. Severability.

If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

This ordinance shall be effective upon passage and publication or posting as required by law.

The Town Clerk and Town attorney are authorized to take such further action as may be necessary to implement this Ordinance.

Adopted on the 8th day of December, 2020.

TOWN OF GREEN BAY

By: /s/ Cary Dequaine
Cary Dequaine, Town Chairperson

Attest:

/s/ Debbie Mercier
Debbie Mercier, Town Clerk

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

PUBLIC NUISANCE ORDINANCE

Section 1. Public Nuisances Prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the boundaries of the Town of Green Bay, Brown County, Wisconsin.

Section 2. Public Nuisances Defined.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time to:

- (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
- (b) In any way render the public insecure in life or in the use of property; or
- (c) Greatly offend the public morals or decency; or
- (d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

Section 3. Public Nuisances Affecting Health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other public health or comfort nuisances coming within the definition of Section 2.

- (a) Adulterated Food. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (b) Unburied Carcasses. Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (c) Breeding Places for Vermin, Etc. Accumulations of decayed animal or vegetable matter, trash, rubbish rotting lumber, bedding, packing materials,

scrap metal or any materials in which flies, mosquitos, disease-carrying insects, rats, or other vermin may breed.

- (d) Water Pollution. The pollution of any private or public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances.
- (e) Street Pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, ditch, sidewalk or public place within the Town.
- (f) Sewerage Odor(s). Any collection, transportation, pumping, treatment, storage, conveyance handling or final disposition of sewage which allows or causes any fowl, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health or comfort of any person(s) within the Town.

Section 4. Public Nuisance Affecting Peace and Safety.

The following acts, omissions, places conditions and things are hereby declared to be public nuisance affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 2.

- (a) Animals. All non-native reptiles and animals that are housed in the Town.
- (b) Dilapidated Buildings. All buildings or structures that are so out of repair as to be dangerous, unsafe, or unsanitary for human use.
- (c) Obstruction of Intersections. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian cross-walk.
- (d) Low Hanging Tree Limbs. All limbs of trees which project over a public sidewalk less than eight (8) feet above the surface thereof, or less than ten (10) feet above the surface of a public street.
- (e) Fireworks. All use or display of fireworks except as provided by State Laws and Town Ordinances.

- (f) Noisy Animals or Fowl. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing, or making of other noises, greatly annoys or disturbs a neighborhood or any considerable number of persons within the Town.
- (g) Low Hanging Wires and Cables. All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface of the street or ground.
- (h) Noises or Vibrations. All unnecessary, loud and discordant, noises or vibrations of any kind.
- (i) Obstructions of Streets; Excavation. All obstructions of streets, alleys, sidewalks or cross walks and all excavations in or under the same, except as permitted by Ordinances of the Town of which, although made in accordance with such Ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.
- (j) Open and Unguarded Pits, Wells, Etc. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street alley or sidewalk.
- (k) Abandoned Refrigerators, Freezers, Etc. All abandoned refrigerators or freezers from which the doors and other covers have not been removed or which cannot be opened by pushing from the inside by a small child.
- (l) Structure or Material Which Constitutes a Fire Hazard. Any structure, material or condition which constitutes a fire hazard or will impair the extinguishing of any fire.
- (m) Dangerous Signs, Billboards, Etc. All signs, billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (n) Unauthorized Traffic Signs. All unauthorized signs, signals, marking or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be, or may be mistaken as, official traffic control devices, railroad signs or signals or which, because of their color, location, brilliance or manner of operation, interfere with the effectiveness of any such device, sign or signal.

- (o) Abandoned Autos, Trailers, Etc. Automobiles, trailers, semi-trailers, motor homes, or mobile homes which are abandoned, as defined in Section 5 of this Ordinance.
- (p) Storage of Junk, Etc., Regulated. No person shall store junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, bricks, cement blocks or other unsightly debris which substantially depreciates property values in the neighborhood.
- (q) Shining Animals or Buildings. "Shining" means the casting of rays of a light on a field, forest, building or other area for the purpose of illuminating, locating or attempting to illuminate or locate animals. "Lights" include flashlights, automobile lights and any other type of illumination. "Animals" includes both wild and domesticated animals. "Building" means and includes any structure which on any occasion houses either persons or animals. No person shall engage in shining in the Town. A person casting rays of light on a field, forest, building or other area which is frequented by animals is presumed to be shining in violation of this Ordinance.
- (r) Any Nuisance. Any nuisance so defined by the Wisconsin Statutes.

Section 5. Abandoned Vehicles and Storage of Junk.

- (a) No person shall leave an unsheltered accumulation or storage of old, unused, unlicensed, stripped, junked, and/or other automobiles not in good and safe operating condition, any other vehicles, machinery, implements, equipment, any parts thereof, and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured is declared to be a nuisance and dangerous to the public health, safety, and well-being.
- (b) The owner, tenant, lessee and occupants of any lot upon which such accumulation or storage is made and the owner and lessee of the items involved in such storage, all referred to collectively as "owners," shall jointly and severally abate the nuisance by promptly moving such items into completely enclosed buildings within the Town, or by moving the items to a location outside the Town.

Section 6. Public Nuisance Offending the Morals and Decency.

The following acts, omissions, places, conditions, and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency within the definition of Section 2.

- (a) Gambling Devices. All gambling devices and slot machines.
- (b) Unlicensed Sale of Liquor and Beer. All places where intoxicating liquor or fermented malt beverages are sold possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the Ordinances of the Town.
- (c) Continuous Violations of Town Ordinances. Any place or premises within the Town where Town Ordinances or State Law relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly, and intentionally violated.

Section 7. Abatement of Public Nuisances.

- (a) Enforcement. The Building Inspector, or other Town Officer as designated by statute or appointment by the Town Board, shall enforce those provisions of this Ordinance that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does, in fact, exist.
- (b) Summary Abatement. If the inspecting officer determines that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Board may direct the proper officer to cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (c) Abatement After Notice. If the inspecting officer determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or

maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the proper officer shall cause the nuisance(s) to be removed.

- (d) Other Methods Not Excluded. Nothing in this Ordinance shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with State Law.
- (e) Court Order. No officer hereunder shall use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied, and, if such permission is denied, the Town by the Town Board shall apply, to any court having jurisdiction, for an order assisting the abatement of the public nuisance.

Section 8. Cost of Abatement.

In addition to any other penalties imposed by this Ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town, including attorneys' fees, shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

Section 9. Penalty.

Any person who shall violate any provision of this Ordinance or permit or cause a public nuisance shall be subject to a penalty as follows in Section 10, Penalty Provisions.

Section 10. Penalty Provisions.

- (a) General Penalty. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - (1) First Offense – Penalty. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), together with the costs of prosecution, including the Town's attorneys' fees, and in default of payment of such forfeiture and costs of prosecution shall be

imprisoned in the County Jail until such forfeiture and costs are paid but not exceeding ninety (90) days.

- (2) Second Offense – Penalty. Any person found guilty of violating any part of this Ordinance who shall previously have been convicted of a violation of the same part of this Ordinance within the previous one (1) year period shall, upon conviction for such second or subsequent offense, forfeit not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
- (b) Continued Violations. Each violation and each day a violation occurs shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation for any provision of this Ordinance.
- (c) Execution Against Defendant’s Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any Court for violation of any Ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

Section 11. Prior Ordinance(s).

Any previous ordinance or resolution of the Town Board contrary or in conflict with the regulations contained in this ordinance is hereby amended or rescinded as may be necessary to fully and completely effectuate the regulations contained herein.

Section 12. Effective Date.

This Ordinance shall take effect the day after passage and the permanent filing hereof with the town Clerk as provided by law.

This Ordinance was adopted on the 17th day of May, 1999.

/s/ Larry Pinchart, Town Chairman

/s/ Harlan Mercier, Town Supervisor

/s/ Richard Charles, Town Supervisor

This Ordinance was passed and permanently filed with the undersigned Town Clerk on the 24th day of May, 1999.

Attest:

/s/ Carrie Chaudoir, Town Clerk

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

SOLID WASTE AND RECYCLING ORDINANCE

Section 1. Title.

Recycling and Solid Waste Ordinance for the Town of Green Bay.

Section 2. Purpose.

The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stat. § 287.11, and Chapter NR 544, Wis. Administrative Code.

Section 3. Statutory Authority.

This ordinance is adopted as authorized under Wis. Stat. § 287.09(3)(b).

Section 4. Abrogation and Greater Restrictions.

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

Section 5. Interpretation.

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

Section 6. Severability.

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 7. Applicability.

The requirements of this ordinance apply to all persons and lands within the Town of Green Bay.

Section 8. Administration.

The provisions of this ordinance shall be administered by the Town of Green Bay.

Section 9. Effective Date.

The provisions of this ordinance shall take effect on December 8, 2020.

Section 10. Definitions. For the purpose of this ordinance:

- (a) “Bi-metal container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (b) “Container board” means corrugated paperboard used in the manufacture of shipping containers and related products.
- (c) “Foam polystyrene packaging” means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - (1) Is designed for serving food or beverages.
 - (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (d) “Glass Container” means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.
- (e) “HDPE” means high density polyethylene, labeled by the SPI code # 2.
- (f) “LDPE” means low density polyethylene, labeled by the SPI code # 4.
- (g) “Magazines” means magazines and other materials printed on similar paper.

- (h) “Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- (i) “Multiple-family dwelling” means a property containing 5 or more residential units, including those which are occupied seasonally.
- (j) “Newspaper” means a newspaper and other materials printed on newsprint.
- (k) “Non-residential facilities and properties” means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
- (l) “Office paper” means high grade printing and writing papers from offices in non- residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (m) “Other resins or multiple resins” mean plastic resins labeled by the SPI code # 7.
- (n) “Person” includes any individual, corporation, partnership, association, local government unit, as defined in Wis. Stat. § 66.0131(1)(a), state agency or authority or federal agency.
- (o) “PETE” or “PET” means polyethylene terephthalate, labeled by the SPI code # 1.
- (p) “Plastic container” means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (q) “Postconsumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stat. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stat. § 289.01(17).
- (r) “PP” means polypropylene, labeled by the SPI code # 5.
- (s) “PS” means polystyrene, labeled by the SPI code # 6.
- (t) “PVC” means polyvinyl chloride, labeled by the SPI code # 3.

- (u) “Recyclable materials” includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (v) “Solid waste” has the meaning specified in Wis. Stat. § 289.01(33).
- (w) “Solid waste facility” has the meaning specified in Wis. Stat. § 289.01(35).
- (x) “Solid waste treatment” means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. “Treatment” includes incineration.
- (y) “Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (z) “Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

Section 11. Separation of Recyclable Materials.

Occupants of single family and 2 to 4-unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- (a) Lead acid batteries
- (b) Major appliances
- (c) Waste oil
- (d) Yard waste
- (e) Aluminum containers
- (f) Bi-metal containers
- (g) Corrugated paper or other container board
- (h) Foam polystyrene packaging
- (i) Glass containers
- (j) Magazines
- (k) Newspaper
- (l) Office paper
- (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (n) Steel containers
- (o) Waste tires

Section 12. Separation Requirements Exempted.

The separation requirements of Section 11 do not apply to the following:

- (a) Occupants of single family and 2 to 4-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 1.11 from solid waste in as pure a form as is technically feasible.
- (b) Solid waste which is burned as a supplement fuel at a facility if less than 30 % of the heat input to the facility is derived from the solid waste burned as supplement fuel.
- (c) A recyclable material specified in Section 11(e) through (o) for which a variance has been granted by the Department of Natural Resources under Wis. Stat. § 287.11(2m), or NR 544.14, Wis. Administrative Code.

Section 13. Care of Separated Recyclable Materials.

To the greatest extent practicable, the recyclable materials separated in accordance with Section 11 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

Section 14. Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.

Occupants of single family and 2 to 4-unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- (a) All lead acid batteries shall be taken to a local authorized dealer accepting this product or to a permitted collection or transportation service location under NR 502.06.
- (b) All major appliances shall be taken to a local authorized dealer accepting this product or to a permitted collection or transportation service location under NR 502.06.
- (c) All waste oil shall be taken to a local authorized dealer accepting this product

or to a permitted collection or transportation service location under NR 502.06.

- (d) Yard waste shall be disposed of in a land spreading facility approved in accordance with Chapter 289 of the Wisconsin Statutes or burned in a manner not inconsistent with Wis. Stat. § 287.07 and not inconsistent with local ordinances.

Section 15. Preparation and Collection of Garbage and Recyclable Materials.

Garbage and recyclable materials shall be disposed of in conformance with the Town's current disposal practices and procedures as published on the Town of Green Bay website: www.townofgreenbay.com.

Section 16. Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 11(e) through (o):
 - (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (d) The requirements specified in (a) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 11(e) through (o) from solid waste in as pure a form as is technically feasible.

Section 17. Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 11(e) through (o):
- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in (a) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 11 (e) through (o) from solid waste in as pure a form as is technically feasible.

Section 18. Prohibitions on Disposal of Recyclable Materials Separated for Recycling.

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 11 (e) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Section 19. Additional requirements:

- (a) Provide space for recycling in public buildings: A person in the Town of Green Bay owning or occupying a new building or a building that is remodeled or expanded by 50% or more in floor area, shall provide a

designated area for the separation, temporary storage and collection of solid waste and recyclables either within or adjacent to the building.

- (b) Hauler license: No person or corporation shall engage in the business of hauling recyclables with the Town of Green Bay without being licensed under NR 502.06. Additionally, Haulers who collect solid waste or recyclables in the Town of Green Bay for storage, treatment, processing, marketing, or disposal shall obtain and maintain all necessary municipal and state permits, licenses, and approval prior to collecting any materials in the Town of Green Bay.
- (c) Processing facilities: any contractor operating within the Town of Green Bay shall not transport for processing any recyclables to a facility unless that facility has been approved by the Town of Green Bay or the facility has self-certified under NR 544.16.
- (d) Anti-scavenging or Unlawful removal of recyclables: It shall be unlawful for any person, unless under contract with or licensed by the Town of Green Bay, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or nonresidential building for the purposes of collection for recycling.
- (e) No dumping:
 - (1) It shall be unlawful for any person to dispose of or dump garbage in any street, alley, or other public place within the Town of Green Bay or in any receptacle or private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this ordinance.
 - (2) No person shall place for collection any garbage at the curb not owned or occupied by such person.
- (f) Non-disposable materials: It shall be unlawful for any person to place for disposal any of the following wastes: hazardous and toxic wastes; chemicals; explosives; flammable liquids; paint; trees and stumps; construction debris; carcasses; medical waste.
- (g) Garbage from outside of the Town of Green Bay: It shall be unlawful to bring refuse for disposal and recyclables from outside the corporate limits of the Town of Green Bay unless authorized by agreement with the Town of Green Bay.

- (h) Hauler Restrictions: Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Town of Green Bay that have been separated for recycling.
- (i) Right to reject materials: The hauler has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this ordinance (see Section 15) or in education material provided by the contractor to the service recipient. Material may also be left if not separated from solid waste, placed in the proper container, or are not designated recyclable material for collection. The hauler also has the right to refuse to pick-up any solid waste if it contains recyclable containers and material. In such cases, the hauler or attended shall notify the generator of the materials regarding the reasons for rejecting the items either in writing or verbally. The hauler shall also keep a list of such occurrences and provide it to the Town of Green Bay if requested.

Section 20. Enforcement.

- (a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Green Bay may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Green Bay who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (b) Any person who violates a provision of this ordinance may be issued a citation by the Town Board of the Town of Green Bay to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- (c) Penalties for violating this ordinance may be assessed as follows:
 - (1) Any person who violates Section 18 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not

more than \$2000 for a third or subsequent violation.

- (2) Any person who violates a provision of this ordinance, except Section 18, may be required to forfeit not less than \$10 or more than \$1000 for each violation.

This ordinance shall be effective upon passage and publication or posting as required by law.

The Town Clerk and Town attorney are authorized to take such further action as may be necessary to implement this Ordinance.

Adopted on the 8th day of December, 2020.

TOWN OF GREEN BAY

By: */s/ Cary Dequaine*
Cary Dequaine, Town Chairman

Attest:

/s/ Debbie Mercier
Debbie Mercier, Town Clerk

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

COMPLIANCE ASSURANCE PLAN ORDINANCE

Section 1. Title.

This ordinance is entitled the Town of Green Bay Compliance Assurance Plan.

Section 2. Purpose.

The purpose of this policy will establish standard guidelines that will lead to compliance with the Town of Green Bay's recycling ordinance.

Section 3. Responsibility for Enforcement.

The Town Chairman is responsible for enforcing the Town of Green Bay's recycling ordinance. The Town Chairman's staff and personnel shall follow the guidelines identified in this Compliance Assurance Plan in response to issues associated with recycling and solid waste. This plan is intended to meet the requirements of s. NR 544.04 (9g), Wis. Adm. Code as well as the Town of Green Bay's recycling ordinance.

Dated July 11, 2006.

TOWN OF GREEN BAY

/s/ Lee Dechamps, Chairman

/s/ Debbie Mercier, Clerk

Town of Green Bay Zoning Ordinance



DATCP Certified: October 30, 2020
Amended: December 8, 2020

Town of Green Bay
Zoning Ordinance

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Section I. Title and Authority

A. Title

This ordinance shall be known, cited, and referred to as: THE TOWN OF GREEN BAY ZONING ORDINANCE, BROWN COUNTY, WISCONSIN.

B. Authority

The Town of Green Bay, pursuant to Section 60.29 (41), 60.18 (12), 60.74, 61.35, 62.23 and 66.058 of the Wisconsin Statutes, hereby enacts a zoning ordinance to read as follows:

Section II. Intent, Purpose and Severability

A. Intent

This ordinance is intended to promote the orderly development of the community.

B. Purpose

The Zoning Ordinance of the Town of Green Bay, Brown County, Wisconsin, is adopted for the following purposes: to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearances and scenic values of the Town; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to foster a more rational pattern of relationship between residential, business, commercial, and manufacturing uses for the mutual benefit of all.

C. Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

If any application of this ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

Section III. Definitions

A. General

For the purpose of this ordinance, words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular; and masculine gender includes feminine and neuter.

The word 'shall' is mandatory and not discretionary. The word 'may' is permissive.

The word 'lot' shall include the words 'piece', 'parcel', and 'plats'; the word 'building' includes all other structures of every kind regardless of similarity to buildings; and the phrase 'used for' shall include the phrases 'arranged for', 'designed for', 'intended for', 'maintained for', and 'occupied for'.

All 'measured distances' shall be to the nearest 'integral foot'. If a fraction is one half foot or less, the next 'integral foot' below shall be taken.

Any words not herein defined shall be constructed as defined in other respective state, county, and town codes.

B. Words Defined

Certain words and terms in this ordinance are to be interpreted as defined herein:

1. **Accessory Building or Use.** A building or use which is:
 - a. Conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this ordinance;
 - b. Clearly incidental to, subordinate in purpose to, and serves the principal use; and
 - c. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.
 - d. "Accessory use" for purposes of the farmland preservation ordinance means any of the following land uses on a farm:
 1. A building, structure, or improvement that it an integral part of, or is incidental to an agricultural use.
 2. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 3. A farm residence, including normal residential appurtenances.
 4. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - a) It is conducted on a farm by an owner or operator of that farm.
 - b) It requires no buildings, structures, or improvements other than those described in par. 1 or 3.
 - c) It employs no more than 4 full-time employees annually.
 - d) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

2. **Advertising Device.** Any advertising sign, billboard, statuary, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed; but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.
3. **Agricultural Use.** Any of the following activities conducted for the purpose of producing an income or livelihood:
 - (a) Crop or forage production.
 - (b) Keeping livestock.
 - (c) Beekeeping.
 - (d) Nursery, sod, or Christmas tree production.
 - (e) Floriculture.
 - (f) Aquaculture.
 - (g) Fur farming.
 - (h) Forest management.
 - (i) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
4. **Agriculture.** The science and practice of the cultivation of the soil.
 - (a) **Exclusive Agriculture.** Farm land that is eligible to be enrolled in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - (b) **General Agriculture.** Farm land that is not eligible to be enrolled in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
5. **Agriculture-related use.** A facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:
 - (a) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district.
 - (b) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.
 - (c) Slaughtering livestock, including livestock from farms in the farmland preservation zoning district.
 - (d) Marketing livestock to or from farms, including farms, including farms in the farmland preservation zoning district.
 - (e) Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation zoning district.
6. **Agriculture Warehouse.** A building used exclusively for storing agricultural products.

7. **Airport.** Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.
8. **Alley.** A public or private right-of-way primarily designed to serve as secondary access to abutting properties.
9. **Artificial Lakes.** Man-made, large excavated bodies of water not used for agricultural purposes.
10. **Auto Wrecking Yard.** Any premises on which more than one (1) automotive vehicle, not in running or operating condition, or parts thereof, are stored in the open in the Rural Residential zone and more than two (2) automotive vehicles in all the other zones.
11. **Basement.** That portion of any structure located partly underground and having more than one-half (1/2) of its height below the finished lot grade.
12. **Bed and Breakfast Establishment.** Bed and Breakfast Establishment means any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
13. **Beekeeping.** Keeping bees for the purpose of producing an income or livelihood.
14. **Block.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or municipal boundary lines.
15. **Boarding House (Lodging House).** A building or premises, other than a hotel, containing lodging rooms accommodating for compensation, four (4) or more persons not of the keeper's family. Lodging may be provided with or without meals.
16. **Building.** Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by un-pierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.
17. **Building Accessory.** A subordinate building or portion of a principal building, the use of which is incidental and customary to that of the principal building, where an accessory building shall comply in all respects with the requirements of this ordinance applicable to the principal building.
18. **Building, Attached.** One which is joined to another dwelling at one or more sides by a party wall or walls.
19. **Building, Detached.** One which is entirely surrounded by open space on the same lot.
20. **Building Height.** The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of a ceiling in the case of a flat roof, to the declivity of a mansard roof and to the average height between the eaves and the ridge of a gable, hip, or gambrel roof.
21. **Building Setback Line.** A line located a stated distance from and parallel with a lot line or street right-of-way, including the nearest point to which a lot line or center line of a building may be erected.
22. **Building, Temporary.** Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed. Manufactured homes used as residences shall not be classified as temporary buildings. They are further defined in definition Number 70 and Number 71.
23. **Campground.** A tract or parcel of land on which space is provided for camping. Includes day and overnight camping.
24. **Canopy (Marquee).** A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground and erected primarily to provide shelter from the weather.
25. **Capacity in Persons of an Establishment or Use.** The maximum number of persons that can avail themselves of the services (or goods) of such establishment at any one time, with reasonable

safety and comfort, as determined by the Building Code or as may be determined by the Building Inspector.

26. **Clinic, Medical, or Dental.** An organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include in-patient care.
27. **Club.** An association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. All organizations shall be recognized clubs or fraternities.
28. **Commercial Feedlots.** An agriculture enterprise where livestock is purchased and raised and then sold to a buyer, feedlot, or slaughter house.
29. **Common ownership.** For purposes of the farmland preservation ordinance, means ownership by the same person or persons. "Common ownership" includes land owned by the same individual, married couple, joint tenants, tenants in common, corporation, LLC, partnership, estate or trust. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
30. **Community Based Residential Facility.** A place where three (3) or more unrelated adults reside, in which care, treatment or services above the level of room and board, but not including nursing care, are provided to persons residing in the facility as a primary function of the facility and licensed by the Department of Health and Social Services under Section 50.01, Wisconsin Statutes.
31. **Contiguous.** Adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not "contiguous" if they meet only at a single point.
32. **Corner Side.** A yard extending along a side lot line from front yard to rear yard when said side lot line is parallel with a street right-of-way line.
33. **Conditional Use.** Uses of a special nature as to make impractical their predetermination as a principal use in a respective zone district.
34. **Day Care Center, Group.** An establishment for the care and supervision of nine (9) or more children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month.
35. **Day Care Home, Family.** An establishment for the care and supervision of one (1) to eight (8) children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month.
36. **Drive-in Business.** An establishment with street access, which provides no interior seating or service; or an establishment which allows for interior seating or service but the majority of its business is conducted in the following manner:
 - (a) by means of a service window;
 - (b) in-car service; and
 - (c) restaurant or confectionaries with carry-out counter
37. **Dwelling.** A building, or portion thereof, excluding a manufactured home, hotel, motel, boarding houses, and trailers designed or used exclusively for residential occupancy.
38. **Dwelling Unit.** One (1) or more rooms which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.
39. **Dwelling, Single-Family.** A building designed for and occupied exclusively by one (1) family and meeting the building requirements as set forth in Section IV., J.
40. **Dwelling, Two-Family.** A building designed for and occupied exclusively by two (2) families and meeting the building requirements as set forth in Section IV., J.
41. **Dwelling, Multiple-Family.** A building, or portion thereof, containing three (3) or more dwelling units.
42. **Employee or Staff Member, Full Time.** A person who works full time at the building or use regulated. For computation of the sum of employees at a use scheduling more than one shift, the sum shall be based on the maximum number of employees at any one shift working at least thirty (30) hours per week.

43. **Establishment Business.** A place of business carrying out operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.
44. **Family.** Any member or individual related by blood, adoption, marriage, or not to exceed two (2) persons not so related, living together on the premises as a single housekeeping unit, including any domestic servant.
45. **Farm.** All land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agriculture use if any of the following apply:
- (a) The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is an agricultural use.
 - (b) A majority of the land area is in agricultural use.
46. **Farm Ponds.** Man-made excavated bodies of water used for agricultural purposes.
47. **Farm Residences.** Any of the following structures that is located on a farm:
- (a) A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
 - 1. An owner or operator of the farm.
 - 2. A parent or child or an owner or operator of the farm.
 - 3. An individual who earns more than 50 percent of his or her gross income from the farm.
 - (b) A migrant labor camp that is certified under s. 103.92
48. **Floor Area** (For determining floor area ratio). The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The floor area of a building shall include basement floor area, elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouse, attic space having headroom of seven (7) feet ten (10) inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in floor area. The floor area of structures devoted to bulk storage of materials - including, but not limited to, grain elevators and petroleum storage tanks - shall be determined on the basis of height in feet; i.e., ten (10) feet in height shall equal one (1) floor.
49. **Floor Area** (For determining off-street parking and loading requirements). Shall mean the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use, including accessory storage area, located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities to the production or processing of goods, or to business or professional offices. However, floor area for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.
50. **Frontage.** The length of all the property fronting on one (1) side of a street between two (2) nearest intersecting streets, measured along the line of the street, or if dead ended, then all property abutting on one (1) side between an intersecting street and the dead end of the street.
51. **Frontage, Zoning Lot.** The length of all the property of such zoning lot fronting on a street, measured between side lot lines.
52. **Fur Farm.** Agricultural operation where the major income is derived from the selling or sale of fur bearing animals and/or pelts.
53. **Garage, Private.** An accessory to the main building which provides for the storage of motor vehicles and in which no occupation, business, or service for profit is carried on.

54. **Garage, Public and Storage.** Any building or premises, other than a private garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold, or stored.
55. **Grade.** The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
56. **Granny Flat.** An apartment with a kitchen, living room, bedroom, and bathroom separate from the rest of the house; to be used by family members. It cannot be rented out.
57. **Gross Floor Area.** The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings.
58. **Gross Farm Revenue.** Gross receipts from agricultural uses, less the cost or other basis of livestock, or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. "Gross farm revenue" includes receipts accruing to a renter, but does not include rent paid to the land owner.
59. **Group Home.** Community living arrangements for the care and maintenance of five (5) to eight (8) children under eighteen (18) years of age, which are licensed child welfare agencies, as set forth in Wisconsin State Statutes 48.602(5).
60. **Hard Surfaced.** A driveway or parking lot surfaced with concrete, bituminous paving or crushed stone.
61. **Health and Medical Institutions.** Institutions or organizations which provide specialized in-patient or out-patient medical and dental care.
62. **Hedge.** A dense row of shrubs, etc., forming a boundary, fence, or barrier.
63. **Home Occupation.** An accessory use of a dwelling carried on by a member or members of the immediate family residing on the premises. The use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists. No storage or display of material, goods, supplies, or equipment related to the operation shall be visible from the outside of any structure located on the premises.
64. **Hotel.** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment.
65. **Incompatible Use.** A use or service which is unsuitable for direct association with certain other uses because it is contradictory, incongruous, or discordant.
66. **Industrial Park.** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.
67. **Junk (or Salvage) Yard.** An area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk or salvage yard includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.
68. **Kennels, Outdoor.** A lot or building in which three (3) or more dogs or four (4) or more cats or other animals at least two (2) months of age are kept commercially for board and/or propagation, training or sales, or other uses, all of which are conducted on the property itself.
69. **Kennels, Indoor.** A building in which three (3) or more dogs or four (4) or more cats or other animals at least two (2) months of age are kept commercially for board, and/or propagation, training or sales, or other uses, all of which are conducted within the building itself.
70. **Livestock.** Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

71. **Lot.** A parcel of land having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory building together with the open spaces required by this ordinance and abutting on a public street.
72. **Lot of Record.** A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds of Brown County; or a parcel of land, the deed to which was recorded in the Office of said Register of Deeds prior to the adoption of this ordinance, and certified survey maps approved and recorded in the Register of Deeds Office of Brown County.
73. **Lot of Record, Non-Conforming.** A lot of record which does not meet the lot requirements for area and zoning lot frontage of its zoning district.
74. **Lot, Corner.** A lot located at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
75. **Lot, Depth of.** The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
76. **Lot Area, Gross.** The area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river and/or public right-of-way.
77. **Lot, Interior.** A lot other than a corner or reversed corner lot.
78. **Lot Line, Front.** That boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a public way.
79. **Lot, Line, Rear.** That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.
80. **Lot Line, Side.** Any boundary of a lot which is not a front lot line or a rear lot line.
81. **Lot, Reversed Corner.** A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
82. **Lot, Through.** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.
83. **Lot Width.** The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty (30) feet of lot depth immediately in back of the front yard setback line.
84. **Manufactured Home (Class I).** A structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. Sections 5401 to 5426. For purposes of this ordinance, a manufactured home Class I shall be considered a single-family or two-family home when meeting the requirements of Section IV, J and , therefore, may locate in any district permitting such use.
85. **Manufactured Home (Class II).** A structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976.
86. **Manufactured Home Park.** Any park, court, campsite, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location of accommodations for two or more manufacture homes, and shall include all facilities used or intended for use as part of the equipment thereof. Manufactured home parks shall not include automobile or manufactured home sale lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.
87. **Motel.** An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists. A motel furnishes customary hotel services, such as

- maid service and laundering of linens, telephone and secretarial or desk living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.
88. **Motor Vehicles.** A self-propelled device used or intended to be used for the transportation of freight or passengers upon a street or highway, except a device used exclusively upon stationary rail or tracks.
89. **Non-conforming Building.** A building which is used in a manner that does not conform with the regulations of the use district in which the building is located.
90. **Non-conforming Use.** Any use of land, buildings, or structures, lawful at the time of the enactment of this ordinance, which does not comply with all of the regulations of the use district in which the building is located.
91. **Open Space Parcel.** A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
92. **Parking Space.** A graded and surfaced area of not less than two hundred (200) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley, exclusive of passageways, driveways, or other means of circulation of access.
93. **Person.** An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
94. **Planned Development.** A tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and intended to permit diversification and variation in the relationship of uses and structures and open space for developments conceived and implemented as comprehensive and unified projects.
95. **Prime farmland.** Means all of the following:
- (a) An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
 - (b) Land, other than land described in par. (a), which is identified as prime farmland in the county's certified farmland preservation plan.
96. **Prior Nonconforming Use.** For purposes of the farmland preservation ordinance, means a land use that does not comply with the farmland preservation zoning ordinances, but which lawfully existed prior to the application of this ordinance.
97. **Professional Office (Except Health Care).** The office of a member of recognized profession including the offices of ministers, architects, professional engineers, lawyers, and such other similar professional occupations; including the office of a charitable organization and including also an insurance or financial institution which conducts its activities principally by mail.
98. **Professional Office, Health Care.** The office of a member of a recognized health care professional licensed by Wisconsin State Statute Chapters 441, 446 to 449.
99. **Protected farmland.** Land that is any of the following:
- (a) Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats.
 - (b) Covered by a farmland preservation agreement under ch. 91, Wis. Stats.
 - (c) Covered by an agricultural conservation easement under ch. 93.73, Wis. Stats.
 - (d) Otherwise legally protected from nonagricultural development.
100. **Recreational Vehicle.** A vehicle primarily used for leisure activities including, but not limited to: trailers; boats with or without trailers; all-terrain vehicles and snowmobiles. For the purpose of this code, recreational vehicles do not include four-wheel drive cars or trucks and motorcycles.

101. **Retail.** Sale of commodities and services directly to customers when such commodities and services are used or consumed by the customer and not purchased primarily for purpose of resale.
102. **Restaurant, Drive-in.** A restaurant with one of the following characteristics:
- (a) No interior seating; or
 - (b) Interior seating, with in-car service.
103. **Right-of-Way.**
- (a) A strip of land occupied or intended to be occupied for a special use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
 - (b) The usage of the term right-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lot or parcels adjoining such right-of-way and not included within the dimension or areas of such lots or parcels.
104. **Roadside Stand.** A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than three hundred (300) square feet in ground area and limited to ten (10) feet maximum height.
105. **Sanitary Landfill.** Disposal of refuse on land without creating a nuisance or hazard to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at more frequent intervals.
106. **Satellite Dish Antenna.** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.
107. **Setback.** The minimum horizontal distance between the line of a building or structure and the front property line.
108. **Setback Area.** The minimum horizontal area between the front, side and/ or rear line of the building or use, including porches, and the lot lines, or street right-of-way lines.
109. **Setback, Corner Side Yard.** The minimum horizontal distance between the side line of the building or use that runs perpendicular to a fronting street, and the side right-of-way line perpendicular to the fronting street.
110. **Setback, Front Yard.** The minimum horizontal distance between the front line of the building or use and the street right-of-way line.
111. **Setback Lines.** Lines established adjacent to lot lines or street right-of-way lines for the purpose of defining limits within which any or certain buildings, structures, or uses may not be constructed, maintained or carried on, except as shown herein.
112. **Setback, Rear Yard.** The minimum horizontal distance between the back line of the building or use and the rear lot lines.
113. **Setback, Side Yard.** The minimum horizontal distance between the side line of the building or structure and the side lot lines; unless the side line of the building or structure is parallel to a street, whereas it shall be a corner side yard setback.
114. **Sign.** A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person institution, organization, or business. However, a sign shall not include any display of official court or public office notices nor shall it include the flag, emblem, or insignia of a nation, political unit, school, or religious

- group. A sign shall not include a sign located completely within an enclosed building unless the content shall so indicate.
115. **Sign, Advertising.** A sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.
 116. **Sign, Business.** A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered, upon the premises where such sign is located or to which it is affixed.
 117. **Slaughterhouse.** A building or portion thereof used in the conducting of a business enterprise where animals are butchered or where animals or parts thereof are processed, cut, or altered.
 118. **Solar Energy System.** A free-standing solar energy system that constitutes the principal use of the property or that exceeds the limitations established for a free-standing energy system as an accessor use.
 119. **Solar Energy System, Building-Mounted.** An accessory use that is the installation of equipment mounted on a building or incorporated into the exterior building materials that uses sunlight to produce electricity or provide heat or water to a building.
 120. **Solar Energy System, Free-Standing.** An accessory use that is the installation of equipment mounted on the ground that uses sunlight to produce electricity or provide heat or hot water to a building.
 121. **Stand.** A stand, tent, cart, pushcart, permanent and/or non-permanent structure from which direct sales are conducted. A person shall also be deemed to have a stand, although there is no structure associated therewith, whenever a person remains in any one location for more than 15 minutes. No stand will be allowed on public property or thoroughfare.
 122. **Stockfarm.** An agricultural operation, usually non-dairying in nature where livestock is raised to the required age or weight for slaughterhouse purposes or for sale to commercial feedlots.
 123. **Story.** That part of a building between any floor and the floor next above and, if there be no floor above, then the ceiling floor. A basement is a story if its ceiling is five (5) feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one (1) dwelling unit for the care taker of the premises.
 124. **Street.** A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, land, throughway, or however otherwise designated, but does not include driveways to buildings.
 125. **Structure.** Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.
 126. **Structural Alteration.** Any change, other than incidental repairs which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.
 127. **Subdivision.** For purposes of this ordinance, Subdivision is a division of a lot, parcel or tract of land by the owner thereof or the owners agent for the purpose of sale or of building development, where:
 - (a) The act of division creates four or more parcels or building sites of three acres each or less in area; or
 - (b) Four or more parcels or building sites of three acres each or less in area are created by successive divisions within a period of ten years.
 128. **Town.** The Town of Green Bay.
 129. **Town Board.** The governing body of the Town of Green Bay.
 130. **Town Zoning Administrator.** The Administrator appointed by the Town Board to administer and enforce the provisions of the Zoning Ordinance.
 131. **Use, Principal.** The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be permitted, conditional or non-conforming.

132. **Use, Permitted.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.
133. **Use, Conditional.** A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case of the impact of such use upon neighboring land, and of the public need for the particular use of the particular location, such conditional use may or may not be granted, subject to the terms of this ordinance.

Section IV. General Provisions

A. Jurisdiction

The jurisdiction of this ordinance shall include all lands and waters within the Town of Green Bay.

B. Existing Ordinance

Restriction or requirements with respect to buildings or land or both which appear in other ordinances of the Town of Green Bay or are established by federal, state, or county laws, and which are greater than those set forth herein shall take precedence over those herein. Otherwise the provisions of this ordinance shall apply.

C. Building and Uses

1. The use of buildings hereafter erected, enlarged, converted, structurally altered, rebuilt or moved; and existing land shall be used only for purposes as specified in this ordinance. Furthermore, land building uses shall be in compliance with the regulations as established herein for each district.
2. All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot in the Rural Residential and Estate Residential zones.
3. Permitted, permitted accessory uses, and conditional uses are limited to the uses indicated for the respective zone district.
4. Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this ordinance shall provide a lot or parcel of land in accordance with the lot size requirements of the district within which it is located. In any Residence, on a lot of record on the effective date of this ordinance and which is a non-conforming lot, a single-family dwelling may be constructed provided all other requirements of this ordinance are in compliance. However, whereas regardless of the size of the lot, provided all other requirements of this ordinance are complied with; however, where two (2) or more contiguous substandard recorded lots are in common ownership and are of such size as to constitute at least one (1) conforming "zoning lot", such lots or portions thereof shall be considered as being maintained in common ownership after the effective date of this ordinance for zoning purposes.
5. Where an accessory building is part of the main building or is substantially attached hereto, the side yard and rear yard requirements for the main buildings shall be applied to the accessory buildings.
6. The height and area regulations shall not apply to accessory buildings designated as farm structures. However, the farm structure shall be located on a minimum farm site of ten (10) acres. Farm accessory buildings shall not be closer than twenty-five (25) feet to any lot line.
7. Not more than one (1) accessory building shall be located on a lot, in addition to the garage, in the R-R Zone.

8. The cumulative square footage of accessory buildings located on a lot within the R-R Zone shall not exceed twelve hundred (1,200) square feet. An accessory building with a square footage of greater than twelve hundred (1,200) square feet may be allowed as a conditional use.
9. Detached accessory buildings shall not exceed eighteen (18) feet in height or the height of the principal building or structure, whichever is less in the R-R Zone.
10. On reversed corner lots, all accessory buildings shall conform to the existing setback lines on both streets, and on the rear lot line, it shall conform to the side yard requirements of the Zoning District. No accessory building shall be erected in or encroach upon the required side yard of a corner lot which is adjacent to the street, nor upon the required side yard of a reversed corner lot which is adjacent to the street.
11. Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than ten (10) feet.
12. When a building containing a non-conforming use is damaged by fire, explosion, act of God, or the public enemy to the extent of more than sixty (60) percent of its current local assessed value, it definitely shall not be restored, except in conformity with the regulations of the district in which it is located. Total structural repairs or alterations in any non-conforming use shall not, during its life, exceed sixty (60) percent of the current local assessed value.
13. Where the Town Zoning Administrator has issued a building permit, pursuant to the provisions of this ordinance, such permit shall become null and void unless work thereon is completed within two (2) years of the date of the issuance of such permit by the Town Zoning Administrator.
14. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, the said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may, upon completion, be occupied under a certificate of occupancy by the use for which originally designed and subject thereafter to the provisions of Section XXI.

D. Area Regulations

1. Lot size shall comply with the required regulations of the established district. A lot of public record as of the date of this ordinance that is a non-conforming lot is not required to comply with the lot requirements for area and zoning lot frontage of its zoning district.
2. No building permit shall be issued for a lot that abuts on half a street. Said permit shall be issued only after the entire street right-of-way has been dedicated.

E. Height Regulations

1. Except as otherwise provided in this ordinance, the height of any building hereafter erected, converted, enlarged, or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
2. Accessory farm buildings, belfries, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, silos, scenery lofts, tanks, water towers, ornamental towers, spires, wireless television or broad casting towers, masts or aerials, public water towers, telephone, telegraph and power transmission poles and lines, microwave radio relay structures and necessary mechanical appurtenances are hereby exempted from the height regulations of this ordinance.
3. Churches, schools, hospitals, sanitariums, and other public and quasi-public buildings may be erected to a height not exceeding sixty (60) feet, provided the front, side and rear yard required in the district in which the building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

F. Front, Side, and Rear Yard Regulations

1. No front yard shall be used for open storage of boats, vehicles, or any other equipment, except for vehicular parking or driveways. All open storage areas shall be properly landscaped.
2. The storage of one (1) unoccupied recreational vehicle in operable condition is allowed in a residential district when said vehicle is stored in a garage, or behind the principal building and not in a front or side yard setback area, unless it is under five (5) feet in height, at which time it is permitted in the side yard setback area.
 - a. Storage of said recreational vehicle may also be stored as follows for temporary periods:
 - (1) Within the side yard setback between May 1 and the second Tuesday in September, a unit so parked may have the drawbar projecting into the front yard setback.
3. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or any other open space required for another building.
4. Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard, provided that the setback requirements on both streets are complied with; and further provided that no accessory building shall extend within the setback line on either street.
5. Detached accessory buildings may be located in the rear yard, or the side yard of a main building provided such accessory building will meet district requirements.

G. Fences, Walls, and Hedges

1. A fence, wall, hedge, or shrubbery may be erected, placed, maintained, or grown along a lot line within the Rural Residential District or adjacent property thereto to a height not exceeding six (6) feet above the ground level. No fence, wall, hedge, or shrubbery which is located in a required front or corner side yard shall exceed a height of three (3) feet. In a required rear yard, the height of fences, walls, and hedges shall not exceed six (6) feet.
2. No fence, wall, hedge, or shrubbery shall be erected, placed, maintained, or grown along a lot line on any non-residentially zoned property, adjacent to residentially zoned property to a height exceeding eight (8) feet.
3. In any district, no fence, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three (3) feet above the street grade nearest thereto within twenty-five (25) feet of the intersection of any street lines or street lines projected, or to any height of less than three (3) feet if it is determined by the Zoning Administrator that such a height interferes with safe, clear, visual distance along any roadway.

H. Parking Standards

1. Parking areas may be located in any yard space for commercial and industrial uses and in any yard but the front yard for other uses, but shall not be closer than ten (10) feet to any street line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.
2. Each parking space shall not be less than two hundred (200) square feet, exclusive of the space required for ingress and egress. Minimum width of the parking space shall be ten (10) feet.
3. Where parking facilities are permitted on land other than the zoning lot on which the building or use is served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
4. All off-street parking areas for more than ten (10) vehicles shall be graded and surfaced so as to be dust free and properly drained and shall have the aisles and spaces clearly marked.
5. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
6. Where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.
7. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor areas, seating capacity or other units of measurement specified herein for the required parking or loading facilities as required herein shall be provided for such increase in intensity to use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.

8. None of the off-street facilities as required in this ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this ordinance shall apply only to the enlarged portion of the building or use.

I. Off-Street Loading

In all districts, loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back into or from any public way.

J. Public Improvements:

1. No proposed development that includes any infrastructure to be dedicated to the Town will be approved until a development agreement acceptable to the Town Board has been executed.
2. The following minimum standards for new town roads are hereby adopted by the Town:
 - a. Minimum width of seventh (70) feet;
 - b. Minimum pavement width of twenty-four (24) feet
 - c. Twenty-eight (28) foot roadbed sub-base;
 - d. Ten (10) inch breaker run;
 - e. Six (6) inches of gravel as per the specifications required by the State of Wisconsin Department of Transportation;
 - f. A course coat of 1 ½ inches of compacted blacktop and 1 ½ inches of a final coat of compacted blacktop within a one (1) year period;
 - g. Pavement shall consist of not less than three (3) inches of compacted blacktop;
 - h. Engineered drainage plan designed according to the Town's specifications or subject to the approval of the Town Board;
 - i. Finished elevation not less than twelve (12) inches above existing contours;
 - j. Inspection to be performed by a professional Engineer approved by the Town Board, both before and after the surface is blacktopped;
 - k. There will be no Building Permits granted until the road is finished to the above specifications, with the exception of item 6 (above), if a Performance Bond for the cost of blacktopping is given to the Town. If said road is not completed within 16 months, the Town of Green Bay shall utilize the Performance Bond to complete the road;
 - l. The Town Board will not accept any proposed dedication of a road to the Town unless the proposed road conforms to the above standards. All roads must be completed according to the prescribed specifications set forth by the Town of Green Bay and then dedicated to the Town once this criteria has been met;
 - m. Culverts are required for all driveways. It must be a minimum of eighteen inches (18") diameter and made of steel or concrete. Driveways must lean away from the road edge and into the lot a minimum of four (4) feet. Driveways should have a one foot in three foot (1' in 3') slope at culvert ends. These standards may be modified in the applicable driveway and culvert permit. A fee of \$50 will apply.
 - n. These road specifications apply to all zoning districts within the Town of Green Bay.

11. Residential Dwelling Standards

All single-family and two-family residential dwellings shall meet the following requirements as set forth in this section. Any home not meeting the requirements of this section shall be treated as a manufactured home Class II and may only be placed in a manufacture home park pursuant to Section XV, Manufactured Housing Parks as set forth in this ordinance.

1. **Minimum Floor Area.** The minimum floor area for every dwelling shall be eight hundred fifty (850) square feet, excluding the area of garage or carport.
2. **Roof Overhang.** All main buildings shall have a minimum pitch of 2.5 inches per twelve (12) inches of run, with a minimum twelve (12) inch roof overhang on each of the dwelling's perimeter walls, such that the overhang is architecturally integrated into the design of the dwelling.
3. **Roofing Material.** All main buildings and all detached garages or carports located on a lot shall have a roof surface of wood shakes, asphalt, composition or wood shingles, clay, concrete, metal tiles, slate, or built-up gravel materials, or metal roofing system. Smooth or corrugated sheets of metal, fiberglass, plastic, or its equivalent, shall be prohibited.
4. **Siding Materials.**
 - a. All main buildings and all detached garages located on a lot shall have exterior siding material consisting of either wood, masonry, concrete, stucco, maisonette, aluminum, vinyl, or metal lap, or ribbed sheets of metal. The exterior siding material shall extend to ground level except that, when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.
 - b. The following and similar materials shall be prohibited as siding: smooth, ~~ribbed~~ or corrugated sheets of metal, fiberglass, plastic and any materials having a highly reflective or high gloss finish.
5. **Foundation.** All dwellings shall have a properly engineered, permanently attached means of support meeting the manufacturer's installation requirements and all applicable building codes. In the event that a manufactured home does not utilize a perimeter load bearing foundation, any space between ground level and siding shall be enclosed with permanent, non-load bearing concrete or masonry having a foundation-like appearance.
6. **Minimum Width.** The minimum width of a dwelling shall be twenty (20) feet.
7. **Wheels and Axles.** All tow bars, wheels and axles shall be removed when the dwelling is installed on a residential lot.

L. Solar Energy Systems as Accessory Uses

1. Building-Mounted Solar Energy Systems are allowed as an accessory use on the following conditions:
 - a. No portion of a panel used to collect solar energy may extend beyond the roof surface or the wall surface to which it is attached.
 - b. The solar energy system shall comply with the maximum height requirements of the zoning district in which the building is located.

- c. The panels of the solar energy system that are mounted on a pitched roof may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.
 - d. The solar energy system may be mounted on the façade of a commercial building provided the installation does not project more than four feet from the face of the wall.
 - e. All solar panels shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the Town Board.
 - f. If the Town determines that more than fifty percent of the panels (measured by total area) have not been operational for a continuous period of twelve months, the solar panels shall be removed.
2. Free-Standing Solar Energy Systems are allowed as an accessory use on the following conditions:
- a. The surface area of the solar energy system shall not exceed 150 square feet when located in any residential district. There is no maximum surface area in all other districts. The surface area of the solar energy system shall not be included when determining the total accessory structure area allowed on the lot.
 - b. There shall be no more than one Free-Standing Solar Energy system when located in any residential district. There is no maximum number in all other districts.
 - c. The solar energy system shall meet the maximum height restriction for an accessory structure for the zoning district in which it is located.
 - d. The solar energy system shall meet all setback requirements for an accessory structure for the district in which it is located.
 - e. All solar panels shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the Town Board.
 - f. If the Town determines that more than fifty percent of the panels (measured by total area) have not been operational for a continuous period of twelve months, the solar panels shall be removed.

M. Certified Survey Maps.

All certified survey maps submitted to the Town will be reviewed for compliance with the standards contained within this zoning ordinance prior to approval by the town.

Section V. Establishment of Zones

A. Zone District

For the purpose of this ordinance, the Town of Green Bay, Brown County, Wisconsin is hereby divided into the following zoning districts:

R-R Rural Residential
R-2 Residential
E-R Estate Residential
M-1 Multi-Family
A-1 Exclusive Agriculture
A-2 General Agriculture
B-1 Community Business District
L-1 Light Industrial
I-1 General Industrial District
P-R Planned Residential Development

B. Zoning Map

The location and boundaries of the districts established by this ordinance are set forth on the Zoning map, entitled "Zoning District Map for the Town of Green Bay, Brown County, Wisconsin, which are incorporated herein and hereby made a part of this ordinance. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein.

C. Zone Boundaries

The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map.

1. District boundary lines are the centerlines of highways, streets, alleys, and pavements; or right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract, and lot lines; or such lines extended, unless otherwise indicated.
2. In areas not subdivided into lots and blocks; wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or centerlines of streets and high ways, or railroad rights-of-way, unless otherwise indicated.
3. Where a district boundary line divides a lot in single ownership on the effective date of this ordinance, the Board of Adjustment, after due hearing, may extend the regulations for either portion of such lot.

D. Exempted Uses

The following uses are exempted by this ordinance and permitted in any zone district: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communications; and electric power, gas, water and sewer lines, provided that the installation shall conform to the Federal Communication Commission and Federal Aviation Agency rules and regulations, and other authorities having jurisdiction. However, radio and television transmission and booster towers are subject to the regulations prescribed for such uses in the Rural Residential and Estate Residential Districts.

E. Restricted Uses

Sanitary landfills and solid waste disposal sites are not permitted in any zone in the Town of Green Bay including, but not restricted to: RR, ER, M-1, A-1, A-2, B-1, I-1, and P-R Zones.

Section VI. R-R Rural Residential

The following regulations shall apply to R-R Districts:

A. Permitted Uses

1. Agriculture, dairying, floriculture, forestry, greenhouses, horticulture, nurseries, orchards.
 - a. 1 ½ Acres per animal unit with a minimum of 3 Acres required.
2. Parks, recreational sites.
3. Single-family dwellings.
4. Transmission lines, substations, telephone and telegraph lines, public utility installation.
5. Satellite dish antennas less than twelve (12) feet in diameter.

B. Permitted Accessory Uses

1. Additional structures necessary for the continuation of the farming operation.
2. Private carports and driveways.
3. Detached private garages less than twelve hundred (1,200) square feet in size.
4. Home occupation.
5. Tool houses, sheds and other similar buildings used for the storage of common supplies.
6. Conservatories and greenhouses for plants, provided such activity is not used for wholesale or retail trade beyond the limitations of a home occupation.

C. Conditional Uses

1. Colleges, universities, schools (elementary, junior high, and senior high), hospitals, sanitariums, churches, and other religious institutions.
2. Micro-wave relay towers and Amateur Radio Towers and Commercial Telecommunication Towers.
3. Private garages greater than twelve hundred (1,200) square feet in size.

4. Artificial Lakes and Pond.
5. Granny Flats.
6. Bed and Breakfast Establishments. When issuing a Conditional Use Permit for a “Bed and Breakfast Establishment,” the State of Wisconsin standards set forth in “Chapter ATCP 73 Bed and Breakfast Establishments” shall be utilized as a guide, in addition to the Town of Green Bay’s standards and regulations.

D. Lot Requirement Without Public Sewer

1. Area - 40,000 square feet.
2. Zoning lot frontage - 100 feet minimum.
 - a. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a curved street or a cul-de-sac.
In no case shall the lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than seventy-five (75) feet.

E. Lot Requirement With Public Sewer

1. Area - 10,000 square feet.
2. Zoning lot frontage - 75 square feet minimum.
 - a. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street such as a cul-de-sac. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than sixty (60) feet.

F. Height Regulations

1. Farm structures - sixty (60) feet maximum.¹
2. Principal Residential dwellings - thirty-five (35) feet maximum.²
3. Accessory residential uses - twenty-five (25) feet or height of principal structure whichever is smaller.

G. Building Setbacks

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case, shall it be less than twenty-five (25) feet.
2. Side yard and rear yard, when not abutting a street, shall have a minimum setback of ten (10) feet.

¹ Except as provided by Section IV, Subsection E, Height Regulations

² Except as provided by Section IV, Subsection E, Height Regulations

- a. Exceptions: Existing lots of record with street frontage of sixty (60) feet or less in width may have a minimum side yard setback of five (5) feet.

H. Building Size

Minimum size of a residential dwelling shall be eight hundred fifty (850) square feet.³

I. Accessory Building

Accessory uses shall conform to district requirements and those set forth in Section IV, Subsection C, Building and Uses.

J. Parking

Parking shall conform to the requirements as set forth in Section XVIII, Off-Street Parking Requirements.

K. Signs

Signs shall be regulated as set forth in Section XVII, Sign Regulations.

L. Other Requirements

1. All future residential dwellings connected with a farming operation shall be located on a separate lot containing a minimum of forty thousand (40,000) square feet and one hundred (100) feet of lot frontage.
2. Other structures or buildings allowed within the R-R District shall meet the requirements of the district and remaining sections of the Zoning Ordinance as determined by the Town Zoning Administrator.

³ Except as provided in Section IV, Subsection E, Height Regulations
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Section VII. R-2 Residential

The following regulations shall apply to R-2 Districts:

A. Permitted Uses

1. Parks, recreational sites.
2. Single-family dwellings.
3. Two-family dwellings.
4. Transmission lines, substations, telephone and telegraph lines, public utility installation.
5. Satellite dish antennas less than twelve (12) feet in diameter.

B. Permitted Accessory Uses

1. Private carports and driveways.
2. Detached private garages less than twelve hundred (1,200) square feet in size.
3. Home occupations.
4. Tool houses, sheds, and other similar buildings used for the storage of common supplies.
5. Conservatories and greenhouses for plants, provided such activity is not used for wholesale or retail trade beyond the limitations of a home occupation.

C. Conditional Uses

1. Colleges, universities, schools (elementary, junior high, and senior high), hospitals, sanitariums, churches, and other religious institutions.
2. Micro-wave relay towers and Amateur Radio Towers and Commercial Telecommunication Towers.
3. Private garages greater than twelve hundred (1,200) square feet in size.
4. Artificial Lakes and Ponds
5. Granny Flats.
6. Bed and Breakfast Establishments. When issuing a Conditional Use Permit for a “Bed and Breakfast Establishment,” the State of Wisconsin standards set forth in “Chapter ATCP 73 Bed and Breakfast Establishments” shall be utilized as a guide, in addition to the Town of Green Bay’s standards and regulations.

D. Lot Requirements With Public Sewer

1. Lot Area - Twelve thousand (12,000) square feet minimum.
2. Zoning Lot Frontage - Ninety (90) feet minimum.
 - a. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street such as a cul-de-sac. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than sixty (60) feet.

E. Lot Requirements Without Public Sewer

1. Area - Forty thousand (40,000) square feet minimum.
2. Zoning Lot Frontage - One hundred (100) feet minimum.
 - a. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a curved street or a cul-de-sac. In no case shall the lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than seventy-five (75) feet.

F. Height Regulations

1. Principle Residential dwellings - thirty-five (35) feet maximum⁴.
2. Accessory Residential uses - twenty-five (25) feet or height of principle structure, whichever is smaller.

G. Building Setbacks

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall it be less than twenty-five (25) feet.
2. Side yard and rear yard, when not abutting on a street, shall have a minimum setback of ten (10) feet.

H. Building Size

Minimum size of a residential dwelling shall be eight hundred fifty (850) square feet.

⁴ Except as provided in Section IV, Subsection E, Height Regulations
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I. Accessory Building

Accessory uses shall conform to district requirements and those set forth in Section IV, Subsection C, Building and Uses.

J. Parking

Parking shall conform to the requirements as set forth in Section XVIII, Off-Street Parking Requirements.

K. Signs

Signs shall be regulated as set forth in Section XVII, Sign Regulations.

Section VIII. E-R Estate Residential

The following regulations shall apply in E-R Districts.

A. Permitted Uses

1. Agriculture, dairying, floriculture, forestry, general farming, grazing, greenhouses, horticulture, livestock raising, nurseries, orchards, pasturage, poultry raising, riding academies and stables, truck farming, and wildlife sanctuaries.
 - a. 1 ½ Acres per animal unit with a minimum of 3 Acres required.
2. Agricultural warehouses.
3. Parks, recreational sites and golf courses.
4. Single-family dwellings.
5. Transmission lines, substations, telephone and telegraph lines, public utility installation.

B. Permitted Accessory Uses

1. Roadside stands, provided the structure does not cover more than three hundred (300) square feet in ground area and does not exceed ten (10) feet in height.
2. Additional structures necessary for the continuance of the farming operation.
3. Private garages, carports, and driveways.
4. Home occupations.
5. Tool houses, sheds and other similar buildings used for the storage of common supplies.
6. Conservatories and greenhouses for plants, provided such activity is not used for wholesale or retail trade beyond the limitations of a home occupation.
7. Satellite dish antennas, less than twelve (12) feet in diameter.

C. Conditional Use

1. Airfields, airports, and heliports.
2. Colleges, universities, schools, (elementary, junior high and senior high), hospitals, sanitariums, churches, and other religious institutions.
3. Cemeteries. All burials in the Town of Green Bay must be done in an established cemetery.
4. Commercial feedlots and stock farms.
5. Town sanitary landfills and town solid waste disposal sites.
6. Micro-wave relay towers and Amateur Radio Towers and Commercial Telecommunication Towers.
7. Cable television installation.
8. Artificial lakes and Ponds.
9. Earth excavations.
10. Granny Flats.
11. Bed and Breakfast Establishments. When issuing a Conditional Use Permit for a “Bed and Breakfast Establishment,” the State of Wisconsin standards set forth in “Chapter ATCP 73 Bed and Breakfast Establishments” shall be utilized as a guide, in addition to the Town of Green Bay’s standards and regulations.

D. Lot Requirement Without Public Sewer

1. Area - forty thousand (40,000) square feet minimum.
2. Zoning lot frontage - one hundred (100) feet minimum.
 - a. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a curved street or a cul-de-sac.
In no case shall the lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than seventy-five (75) feet.

E. Lot Requirement With Public Sewer

1. Area - ten thousand (10,000) square feet.
2. Zoning lot frontage - seventy-five (75) feet minimum.
 - a. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street such as a cul-de-sac. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than sixty (60) feet.

F. Height Regulations

1. Farm structures - Sixty (60) feet maximum.⁵
2. Residential dwelling - Thirty-five (35) feet maximum.⁶

G. Building Setbacks

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall it be less than twenty-five (25) feet.
2. Side yard and rear yard, when not abutting a street, shall have a minimum setback of ten (10) feet.

H. Building Size

Minimum size of a residential dwelling shall be eight hundred fifty (850) square feet ground floor area.

I. Accessory Building

Accessory uses shall conform to district requirements and those set forth in Section IV, Subsection C, Building Uses.

J. Parking

Parking shall conform to district requirements and those set forth in Section XVIII, Off-Street Parking Requirements.

K. Signs

Signs shall be regulated as set forth in Section XVII, Sign Regulations.

L. Other Requirements

1. All future residential dwellings connected with a farming operation shall be located on a separate lot containing a minimum of forty thousand (40,000) square feet and one hundred (100) feet of lot frontage.
2. Other structures or buildings allowed within the E-R District shall meet the requirements of the district and remaining sections of the zoning ordinance as determined by the Town Zoning Administrator.

⁵ Except as provided by Section IV, Subsection E, Height Regulations

⁶ Except as provided by Section IV, Subsection E, Height Regulations
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Section IX. Multi-Family District

A. Permitted Uses

1. Any use permitted in the R-2 Residential District.
2. Apartment houses.
3. Boarding or lodging houses.
4. Day care centers.
5. Nursery schools.

B. Permitted Accessory Uses

1. Accessory buildings and uses customarily incidental to any of the above structures when located on the same lot and not involving the conduct of a retail business.
2. Additional structures necessary for the continuance of the farming operation.
3. Private garages, carports, and driveways.
4. Home occupations.
5. Toolhouses, sheds and other similar buildings used for the storage of common supplies.
6. Conservatories and greenhouses for plants, provided such activity is not used for wholesale or retail trade beyond the limitations of a home occupation.
7. Satellite dishes less than twelve (12) feet in diameter.

C. Conditional Use

1. Colleges, universities, schools (elementary, junior high and senior high), hospitals, sanitariums, churches, and other religious institutions.
2. Community based residential facility.
3. Manufactured home parks.
4. Artificial Lakes and Ponds.
5. Micro-wave relay towers and Amateur Radio Towers and Commercial Telecommunication Towers.
6. Granny Flats.

7. Bed and Breakfast Establishments. When issuing a Conditional Use Permit for a “Bed and Breakfast Establishment,” the State of Wisconsin standards set forth in “Chapter ATCP 73 Bed and Breakfast Establishments” shall be utilized as a guide, in addition to the Town of Green Bay’s standards and regulations.

D. Lot Requirement

1. Area - forty thousand (40,000) square feet minimum.
2. Zoning lot frontage - one hundred (100) feet minimum.

E. Height Regulations

1. Residential dwellings - thirty-five (35) feet maximum.⁷

F. Building Setbacks

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall it be less than twenty- five (25) feet.
2. Side yard shall have a minimum setback of ten (10) feet.
3. The rear yard, when not abutting on a street, shall have a minimum setback of twenty (20) feet for the principle structure and ten (10) feet for the accessory building.

G. Building Size

1. Minimum size of a residential dwelling shall be eight hundred fifty (850) square feet ground floor area.
2. The total area above grade occupied by the building, accessory buildings, and car stalls or parking places shall not exceed fifty (50) percent of the total area of the lot on which they are located.

H. Accessory Building

Accessory uses shall conform to district requirements and those set forth in Section IV, Subsection C, Building Uses.

I. Parking

Parking shall conform to the requirements as set forth in Section XVIII, Off-Street Parking Requirements.

J. Signs

Signs shall be regulated as set forth in Section XVII, Sign Regulations.

⁷ Except as provided by Section IV, Subsection E, Height Regulations
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Section X. A-1 Exclusive Agriculture

The purpose of this District is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development, minimizing land use conflicts among incompatible uses, and minimizing public service and facility costs normally associated with non-agricultural development. The District is intended to comply with the standards contained in Chapter 91 of the Wisconsin Statutes to permit eligible landowners to receive tax credits and includes lands identified for agricultural preservation in the Brown County Farmland Preservation Plan.

A. Permitted Uses

1. Agricultural Uses: Any of the following activities conducted for the purpose of producing an income or livelihood:
 - a. Crop or forage production, including vineyards.
 - b. Keeping livestock.
 - c. Beekeeping.
 - d. Nursery, sod, or Christmas tree productions.
 - e. Floriculture.
 - f. Aquaculture.
 - g. Fur farming.
 - h. Forest management.
 - i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - j. Any other use that DATCP, by rule, identifies as an agricultural use.

2. Accessory Uses:
 - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including, but not limited to:
 - b. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - c. A facility used to keep livestock on the farm.
 - d. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.

- e. A facility used to store or process inputs primarily for agricultural uses on the farm.
 - f. A manure digester, bio-fuel facility or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
 - g. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
 - h. An activity or business operation that is an integral part of, or is incidental to, an agricultural use.
 - i. One farm resident per lot.
 - j. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of the farm, that requires no buildings, structures, or improvements other than those described in subsections (1) and (3), that employs no more than four full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
 - k. Any other use DATCP, by rule, identifies as an accessory use.
3. Undeveloped natural resource and open space areas.
 4. A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
 5. Residences, regardless of occupancy, existing as of January 1, 2014.
 6. Other uses identified by DATCP rule.

B. Conditional Uses

1. Agricultural-related uses:
 - a. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products or facility for processing agricultural wastes.
 - b. Any other use that DATCP, by rule, identifies as an agricultural-related use.
2. Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
 - a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

- c. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - e. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
3. Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
- a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
 - d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - e. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
4. Nonmetallic mineral extraction if all of the following apply:
- a. The operation complies with Subchapter 1 of Chapter 295, Wisconsin Statutes, and rules promulgated under that Subchapter, with applicable provisions of local ordinances under Wis. Stat. § 295.13 or Wis. Stat. § 295.14, and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic sites.
 - b. The operation and its location in the district are consistent with the purposes of the farmland preservation zoning district.
 - c. The operation and its location in the district are reasonable and appropriate, considering alternative locations outside of the district, or are specifically approved under state or federal law.
 - d. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
 - e. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

- f. The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.
5. Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter 11 of Chapter 295, Wisconsin Statutes.

C. Lot Requirements

1. Zoning lot frontage - one hundred (100) feet minimum.

D. Height Regulations

1. Farm structures - sixty (60) feet maximum
(except as provided by Section IV, Subsection E, Height Regulations).
2. Residential dwellings - thirty-five (35) feet maximum
(except as provided by Section IV, Subsection E, Height Regulations).

E. Building Setbacks

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall it be less than twenty-five (25) feet.
2. Side yard and rear yard, when not abutting a street, shall have a minimum setback of ten (10) feet.

F. Building Size

Minimum size of a residential dwelling shall be eight hundred fifty (850) square feet.

G. Accessory Building

Accessory uses shall conform to district requirements and those set forth in Section IV, Subsection C, Building Uses.

H. Parking

Parking shall conform to the requirements as set forth in Section XVIII, Off-Street Parking Requirements.

I. Signs

Signs shall be regulated as set forth in Section XVII, Sign Regulations.

J. Other Provisions and Requirements

1. Other structures or buildings allowed within the Agriculture District shall meet the requirements of the district and remaining articles of the zoning Ordinance as determined by the Town Zoning Administrator.
2. Preexisting residences or buildings located in areas subject to zoning under this section which do not conform to the regulations of this section may continue their preexisting use and are exempted from any limitations imposed or authorized under Wisconsin State Statutes s. 60.61(1), as required by s. 92.43(3) for prior nonconforming uses.
3. Re-zoning land out of a Farmland Preservation Zoning District:
 - a. The Town may not rezone land out of a certified farmland preservation zoning district unless the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning, before granting the rezone:
 - (1) The rezoned land is better suited for a use not allowed in the farm-land preservation zoning district.
 - (2) The rezoning is consistent with the comprehensive plan, adopted by the Town, which is in effect at the time of the rezoning.
 - (3) The rezoning is substantially consistent with the Brown County Farmland Preservation Plan, certified under ch. 91, Wis. Stats, which is in effect at the time of the rezoning.
 - (4) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
 - b. Subsection (1) does not apply to any of the following:
 - (1) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
 - (2) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Brown County Farmland Preservation Plan Map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 - (3) By March 1 of each year, the Town shall provide to the Wisconsin Department of Agriculture, Trade, and Consumer Protection and Brown County a report of the number of acres that the Town has rezoned out of the A-1 Exclusive Agriculture zoning district under sub. (1) during the previous year and a map that clearly shows the location of those acres.
 - (4) If the Town fails to comply with sub. (2), the Wisconsin Department of Agriculture, Trade, and Consumer Protection may withdraw the certification granted under s. 91.06, 2007 stats., or under s. 91.36 for the Town's farm-land preservation zoning ordinance.

Section XI. A-2 General Agriculture

The following regulations shall apply in A-2 Districts.

A. Permitted Uses

1. Agriculture, dairying, floriculture, forestry, general farming, grazing, green houses, hatcheries, horticulture, livestock raising, nurseries, orchards, pad docks, pasturage, poultry raising, truck farming, game farms, wildlife sanctuaries, and game preserves.
2. Commercial feedlots and stock farms.
3. Single-family dwellings.
4. Farm ponds.
5. Transmission lines, substations, telephone and telegraph lines, public utility installation, radio and television stations and towers, public streets, street rights-of-way, and street improvements.
6. Riding academies and stables, which do not conflict with agricultural use and/ or are found necessary in light of alternative locations available for such uses.
7. Beekeeping, provided the hives are located minimum of 300 feet from any property line.

B. Permitted Accessory Uses

1. Roadside stands, provided the structure does not cover more than three hundred (300) square feet in ground area and does not exceed ten (10) feet in height.
2. Additional structures necessary for the continuance of the farming operation.
3. Home occupations.
4. Private garages, carports, and driveways.
5. Satellite dish antennas.
6. Toolhouses, sheds, and other similar buildings used for the storage of common supplies.

C. Conditional Use

1. Artificial lakes.
2. Colleges, universities, schools (elementary, junior high, and senior high), hospitals, sanitariums, churches, and other religious institutions, provided that they are religious, institutional or governmental uses which do not conflict with agricultural use.
3. Airfields, airports, and heliports, provided that they are public uses.
4. Cemeteries, if religious or institutional.
5. Microwave relay towers and Amateur Radio Towers and Commercial Telecommunication Towers.
6. Cable television installation.
7. Agricultural warehouses, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses, or which are incidental to the farm operation.
8. Parks, recreational sites and golf courses, if they are public (governmental) facilities.
9. Railroad right-of-way, not including switching, storage, freight yards, or siding, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
10. Earth excavations, which are public (governmental) or facilities incidental to the farm operation.
11. Granny Flats.

D. Lot Requirements

1. Zoning lot frontage – one hundred (100) feet minimum.
 - a. Exception: Farm operator, parents and children of the farm operator may locate a single-family dwelling on a separate lot containing a minimum of forty thousand (40,000) square feet with one hundred feet minimum frontage.

E. Height Regulations

1. Farm structures - sixty (60) feet maximum. Except as provided by Section IV, Subsection E. Height Regulations.
2. Residential dwellings - thirty-five (35) feet maximum.⁸

F. Building Setbacks

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall it be less than twenty-five (25) feet.
2. Side yard and rear yard, when not abutting a street, shall have a minimum setback of ten (10) feet.

G. Building Size

Minimum size of a residential dwelling shall be eight hundred fifty (850) square feet.

H. Accessory Building

Accessory uses shall conform to district requirements and those set forth in Section IV, Subsection C, Building Uses.

I. Parking

Parking shall conform to the requirements as set forth in Section XVIII, Off-Street Parking Requirements.

J. Signs

Signs shall be regulated as set forth in Section XVII, Sign Regulations.

K. Other Provisions and Requirements

1. Farm dwellings and related structures which remain after farm consolidation may be separated from the farm parcel on a lot containing a minimum of forty thousand (40,000) square feet and one hundred (100) feet of lot frontage.

⁸ Except as provided by Section IV, Subsection E, Height Regulations
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2. Other structures or buildings allowed within the Agriculture District shall meet the requirements of the district and remaining articles of the zoning Ordinance as determined by the Town Zoning Administrator.
3. Preexisting residences or buildings located in areas subject to zoning under this section which do not conform to the regulations of this section may continue their preexisting use and are exempted from any limitations imposed or authorized under Section 59.97(10) of the Wisconsin State Statutes and Section IV, C 12 of this ordinance.

Section XII. B-1 Community Business District

The Community Business District is intended to serve the retail and service needs of nearby residential areas with a wide range of products and services for both daily and occasional shopping. The following regulations shall apply in the B-1 Districts.

A. Permitted Uses

Uses permitted in the B-1 District are subject to the following conditions:

1. Dwelling units and rooming units are not permitted below the second floor, except as the residence of the owner or operator of a business on the premises.
2. Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles are allowed only by conditional use permit.
3. The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this section shall be limited to vehicles of not over one and one-half (1-1/2) tons capacity when located within seventy-five (75) feet of a Residence District boundary line.

The following uses are permitted in the B-1 District:

1. Antique shops.
2. Art and school supply stores.
3. Art shops or galleries, but not including auction rooms.
4. Automobile accessory stores.
5. Bakeries - room or rooms, containing the baking process shall not exceed a total of five thousand (5,000) square feet in area.
6. Banks and financial institutions.
7. Barber shops.
8. Beauty parlors.
9. Bicycle sales, rental, and repair stores.
10. Blueprinting and photostating.
11. Boat showrooms and sales.

12. Book and stationary stores.
13. Business machine sales and service.
14. Camera and photographic supply stores.
15. Candy and ice cream stores.
16. Carpet and rug stores, retail sales only.
17. Catering establishments.
18. Child day care centers.
19. China and glassware stores.
20. Clothing and costume rental stores.
21. Clubs and lodges, nonprofit and fraternal.
22. Coin and stamp stores.
23. Computer and data processing services.
24. Custom dressmaking.
25. Department stores.
26. Drug stores.
27. Dry cleaning establishments, not engaged in wholesale processing.
28. Dry goods stores.
29. Eating and drinking places, excluding drive-ins and establishments primarily engaged in carry-out services.
30. Electrical and household appliance stores, including radio and television sales.
31. Electrical showrooms and shops.
32. Employment agencies.
33. Florist shops.
34. Food stores, grocery stores, meat markets, bakeries and delicatessens.
35. Frozen food stores, including locker rental in conjunction therewith.

36. Furniture stores, including upholstering when conducted as part of the retail operations and secondary to the principal use.
37. Furrier shops, including the incidental storage and conditioning of furs.
38. Garden supply, tool, and seed stores.
39. Gift shops.
40. Hardware stores.
41. Hobby shops, for retail of items to be assembled or used away from the premises.
42. Household appliances, office equipment and other small machine sales and service.
43. Interior decorating shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
44. Insurance agencies.
45. Jewelry stores, including watch and clock repair.
46. Laboratories, medical and dental.
47. Laboratories, medical and dental, research and testing.
48. Launderettes, automatic, self-service only, or hand laundries employing not more than two (2) persons in addition to one (1) owner or manager.
49. Leather goods and luggage stores.
50. Libraries.
51. Liquor stores, packaged goods.
52. Locksmith shops.
53. Medical and dental clinics.
54. Meeting halls.
55. Millinery shops.
56. Miscellaneous personal services.

57. Miscellaneous repair shops.
58. Miscellaneous shopping goods stores.
59. Motor vehicle and automotive parts and supplies.
60. Musical instrument sales and repair.
61. Newspaper distribution agencies for home delivery and retail trade.
62. Nurseries, lawn and garden supply stores.
63. Nursing and personal care facilities.
64. Office machine sales and servicing.
65. Offices, business, professional and governmental.
66. Office supply stores.
67. Optician sales, retail.
68. Orthopedic and medical appliance stores.
69. Paint and wallpaper stores.
70. Pet shops.
71. Phonograph record and sheet music stores.
72. Photography studios, including the development of film and pictures, when conducted as part of the retail business on the premises.
73. Picture framing, when conducted for retail trade on the premises only.
74. Plumbing showrooms and shops.
75. Post offices.
76. Publishing and printing.
77. Radio and television sales, servicing, and repair shops.
78. Radio and television stations and studios.
79. Real estate offices.
80. Recording studios.
81. Residential care group homes.
82. Restaurants - including the serving of alcoholic beverages.

83. Schools - dance, music, and business.
84. Security brokers.
85. Sewing machine sales and service - household appliances only.
86. Shoe, clothing, and hat repair stores.
87. Shoe stores.
88. Sporting goods stores.
89. Tailor shops.
90. Taverns.
91. Taxidermists.
92. Telegraph offices.
93. Telephone booths and coin telephones.
94. Ticket agencies, amusement.
95. Tobacco shops.
96. Toy shops.
97. Travel bureaus and transportation ticket offices.
98. Undertaking establishments and funeral parlors.
99. Used merchandise stores.
100. Variety stores.
101. Wearing apparel shops and accessories.
102. Accessory uses, incidental to, and on the same zoning lot as the principal use.

B. Conditional Uses

The following conditional uses may be allowed in the B-1 District, subject to the provisions of Section XXII, Subsection J:

1. Amusement establishments - archery ranges, bowling alleys, shooting galleries, game rooms, swimming pools, skating rinks, and other similar amusement facilities.
2. Animal hospitals, veterinary services, and kennels.
3. Auction rooms.
4. Automotive repair shops.
5. Automotive rental and leasing.
6. Automotive services.
7. Building material products sales.
8. Car wash.
9. Dry cleaning establishments employing more than four (4) persons.
10. Dwelling units and rooming units, above the ground level.
11. Eating and drinking establishments primarily engaged in drive-in and carryout service.
12. Farm machinery and equipment sales.
13. Greenhouses, commercial.
14. Hotels, motels.
15. Mail order houses.
16. Manufactured home sales.
17. Motor vehicle sales.
18. All Off-premise signs require a conditional use permit.
19. Parking garages or structures, other than accessory, for the storage of private passenger automobiles only.
20. Parking lots, open and other than accessory.
21. Recreational and utility trailer dealers.
22. Schools, commercial and trade.
23. Wood cabinetmaking.
24. Stands.

25. Storage facilities.

C. Lot Requirements

With public sewer:

1. Area - ten thousand (10,000) square feet minimum.
2. Zoning lot frontage - seventy-five (75) feet minimum.

Without public sewer:

1. Area - forty thousand (40,000) square feet minimum.
2. Zoning lot frontage - one hundred (100) feet minimum.

D. Height Regulations

All structures - thirty-five (35) feet maximum, except as provided by Section IV, Subsection E, Heights Regulations.

E. Building Setbacks

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall it be less than twenty-five (25) feet.
2. Side yard shall have a minimum setback of ten (10) feet.
3. Rear yard, when not abutting a street, shall have a minimum setback of fifteen (15) feet.

F. Accessory Building

All accessory buildings hereinafter constructed in the B-1 District shall meet the district requirements and those identified in Section IV, Subsection C, Building Uses.

G. Parking

Parking shall conform to the requirements as set forth in Section XVIII, Off-Street Parking Requirements.

H. Signs

Signs shall be regulated as set forth in Section XVII, Sign Regulations.

I. Other Requirements

Additional structures and buildings allowed in the B-1 Community Business District shall meet the regulations of this district and other sections of the Zoning Ordinance as determined by the Town Zoning Administrator.

Section XIII. LI-Light Industrial District

The LI - Light Industrial District - is designed to accommodate those industrial and business activities which, by their character, should not pose a threat to the environment from potential accidents, spillage, or normal business operational practices. The lands located within this zoning classification are fragile in nature, and need more protection than most locations in the Town.

A. Permitted Uses

Uses allowed in the LI District are subject to the following conditions:

1. All storage within three hundred (300) feet of a R-R Residence District - except motor vehicles in operable condition - shall be within completely enclosed buildings or effectively screened by shrubbery or a solid wall or fence (including solid entrance and exit gates) not less than six (6) feet nor more than eight (8) feet in height.
2. The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this section, shall be limited to vehicles of not over one and one half (1-1/2) tons capacity when located within seventy-five (75) feet of a Residence District boundary line.
3. The Town may require site renovations and design requirements to ensure adequate environmental protection.

The following uses are permitted in the LI District:

1. Any use allowed in the B-1 Community Business Zone except permitted uses 10, 11, 27, 28, 38, 48, 57, 59, 62, 69, 70, 74, 76, 91, and conditional uses 2, 4, 6, 8, 9, 12, 13, 17, 19, and 20. These uses may be allowed as conditional uses after determination by the Town Plan Commission under Section XIII, B.1.
2. Building materials sales and storage.
3. Offices.
4. Utility Substations.
5. Warehousing.
6. Woodworking and wood products storage.

B. Conditional Uses

The following conditional uses may be allowed in the LI District:

1. Other uses to be determined by the Town Plan Commission to be similar in nature to the permitted uses listed above and deemed to have no potential for environmental hazard.

C. Lot Requirements

With public sewer:

1. Area - fifteen thousand (15,000) square feet minimum.
2. Zoning lot frontage - one hundred (100) feet minimum.

Without sewer:

1. Area - forty thousand (40,000) square feet minimum.
2. Zoning lot frontage - one hundred (100) feet minimum.

D. Height Regulations

Principal structures - sixty (60) feet maximum, except as provided by Section IV, Subsection E, Height Regulations.

E. Building Setbacks

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall it be less than twenty-five (25) feet.
2. Side yard shall have a minimum setback of ten (10) feet.
3. Rear yard, when not abutting on a street shall have a minimum setback of twenty (20) feet.
4. Where a side or rear lot line in an LI District coincides with a side or rear lot line in an adjacent Residence District, a yard shall be provided along such side or rear lot line not less than thirty (30) feet in depth and shall contain landscaping and planting suitable to provide an effective screen.

F. Accessory Buildings

All accessory buildings hereinafter constructed in the LI District shall meet the district requirements and those identified in Section IV, Subsection C. Building and Uses.

G. Parking

Parking shall conform to requirements as set forth in Section XVIII, Off-Street Parking Requirements.

H. Signs

Signs shall be regulated as set forth in Section XVII, Regulation of Signs.

I. Other Requirements

1. The Town may add other conditions to rezoning request to insure adequate environmental safeguards due to the fragile nature of the lands located within this zoning district.

Section XIV. I-1 General Industrial District

The I-1 General Industrial District is designed to accommodate those industrial activities which, by their character, should be relatively remote from residential and business development and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission and transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, or glare or heat.

A. Permitted Uses

Uses permitted in the I-1 District are subject to the following conditions:

1. Dwelling units and lodging rooms - other than custodian's quarters - are not permitted.
2. All business, servicing, or processing, within three hundred (300) feet of a Residence or Business District shall be conducted within completely enclosed buildings.
3. All storage within three hundred (300) feet of a R-R Residence District - except of motor vehicles in operable condition - shall be within completely enclosed buildings or effectively screened by shrubbery or a solid wall or fence (including solid entrance and exit gates) not less than six (6) feet nor more than eight (8) feet in height.
4. The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this section shall be limited to vehicles of not over one and one half (1-1/2) tons capacity when located within seventy-five (75) feet of a Residence District boundary line.

The following uses are permitted in the I-1 District:

1. Accessory uses, incidental to, and on the same lot as the principal use.
2. Bakeries.
3. Bedding manufacturing.
4. Boot and shoe manufacturing.
5. Bottling companies.
6. Brick and structural clay products manufacture.
7. Building materials sales and storage.
8. Carpet manufacturing.

9. Cartage facilities.
10. Cloth products manufacturing.
11. Contractors, architects, and engineering offices, shops, and yards.
12. Cosmetic production.
13. Dairy products.
14. Electronic and scientific precision instrument manufacturing.
15. Electroplating.
16. Feed mills.
17. Feed and seed sales.
18. Food manufacture, packaging, and processing.
19. Freight terminals.
20. Glass products production and sales.
21. Grain storage and processing.
22. Graphite products manufacture.
23. Greenhouses, wholesale.
24. Laboratories, research and testing.
25. Laundries.
26. Light machinery products - appliances, business machines, etc.
27. Lithographing.
28. Lodges and offices of labor organizations.
29. Machine shop.
30. Mail order house.
31. Medical and dental clinics.
32. Metal stamping.

33. Musical instruments manufacture.
34. Orthopedic and medical appliance manufacture.
35. Paper products manufacture.
36. Parking lots, other than accessory, and subject to the provision of the Off-Street Parking Ordinance.
37. Printing and publishing establishments.
38. Public utility and service uses.
39. Radio and television stations and towers.
40. Rope, cord, and twine manufacture.
41. Rubber processing and manufacture.
42. Sign manufacture.
43. Sporting goods manufacture.
44. Trade schools.
45. Warehouses.
46. Wastewater treatment plants, municipal.
47. Wearing apparel manufacture.
48. Welding shop.
49. Woodworking and wood products.
50. Any use allowed in the B-1 Community Business District.

B. Conditional Uses

The following conditional uses may be allowed in the I-1 District:

1. Abrasive manufacture.
2. Airports and commercial heliports, including aircraft landing fields, runways, flightstrips, and flying schools, together with hangars, terminal buildings, and other auxiliary facilities.

3. Auto wrecking yard.
4. Heavy machinery production.
5. All Off-premise signs require a conditional use permit.
6. Other manufacturing, assembling, processing, storage, or commercial uses determined by the Plan Commission to be of the same general character as the uses permitted in Subsection A, above.
7. Paint products manufacture.
8. Petroleum products storage or processing.
9. Plastics manufacture.
10. Steel manufacture.

C. Lot Requirements

With public sewer:

1. Area - ten thousand (10,000) square feet minimum.
2. Zoning lot frontage - seventy-five (75) feet minimum.

Without public sewer:

1. Area - forty thousand (40,000) square feet minimum.
2. Zoning lot frontage - one hundred (100) feet minimum.

D. Height Regulations

Principal structures - sixty (60) feet maximum, except as provided by Section IV, Subsection E, Height Regulations.

E. Building Setbacks

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall it be less than twenty-five (25) feet.

2. Side yard shall have a minimum setback of ten (10) feet.
3. Rear yard, when not abutting on a street, shall have a minimum setback of twenty (20) feet.
4. Where a side or rear lot line in an I-1 District coincides with a side or rear lot line in an adjacent Residence District, a yard shall be provided along such side or rear lot line not less than thirty (30) feet in depth and shall contain landscaping and planting suitable to provide an effective screen.

F. Accessory Buildings

All accessory buildings hereinafter constructed in the I-1 District shall meet the district requirements and those identified in Section IV, Subsection C, Building and Uses.

G. Parking

Parking shall conform to requirements as set forth in Section XVIII, Off-Street Parking Requirements.

H. Signs

Signs shall be regulated as set forth in Section XVII, Sign Regulations.

I. Other Requirements

No use shall be established, maintained, or conducted in any I-1 District that causes any of the following:

1. Dissemination of excessive noise, vibration, odor, dust, smoke, observation gas or fumes, or other atmospheric pollutants beyond the boundaries of the immediate site of the building in which such use is conducted.
2. Hazard of fire or explosion or other physical hazard to any person, building or vegetation.
3. A harmful discharge of waste material.

Section XV. Planned Residential Development

A. Application to Existing Use Districts

This section shall operate as an overlay zoning district and thereby as an alternative to the permitted uses and regulations applicable only to the following existing districts: R-R Rural Residential; R-2 Residential; E-R Estate Residential; and M-1 Multi-Family. This section shall be applicable only to those lands which are hereby and may hereafter be zoned Planned Residential Development District by the Town Board. Basic underlying zoning requirements for land zoned as a Planned Residential Development District shall continue in full force and effect and be solely applicable until such time as the Town Board shall grant final approval as hereinafter provided. All Subdivisions, as defined in this Ordinance, shall be governed by this Section, and shall be developed as Planned Residential Developments.

B. Purpose

The purposes of the Planned Residential Development District and the regulations applicable to the same are to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations, and to accomplish a well-balanced, aesthetically satisfying Town and economically desirable development of building sites within a Planned Residential Development District. These regulations are established to permit latitude in the development of the building site if such development is found to be in accordance with the purpose, spirit and intent of this Ordinance and is found not to be hazardous, harmful, offensive, or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the community. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services, and to encourage and facilitate preservation of open space and other natural features, such as woodlands, floodplains and wetlands. It is further intended to encourage the provision of open space and recreational facilities in conjunction with residential development, to encourage a uniqueness in architectural design, and to encourage a variety of living environments and an agreeable mixture of housing types.

C. Uses Permitted

1. Basic Zoning Uses. The following uses are permitted in a Planned Residential Development District upon obtaining all necessary approvals required under this ordinance:
 - a. All uses permitted under the basic zoning regulations applicable to the zoning district in which the particular property is located.

- b. Where a building site is situated in more than one use district, all uses permitted under the basic zoning regulations of one district may be extended into the adjacent district, but only under the condition that the maximum area of such extension shall not exceed an area computed to be fifty percent (50%) of the smaller of the areas of the portion of the property located in either district.
- c. Such additional uses, or mixture of uses, as are recommended by the Planning Commission and approved by the Town Board.
- d. **Building Restrictions.** When all necessary approvals required under this ordinance are obtained, the building height, size and floor area, lot size, setback, side and rear yard, density and open space requirements under the basic zoning regulations shall not be applicable, but rather such requirements as are made a part of the approved final plan, shall be construed to be and shall be enforced as part of this ordinance.

D. Definitions

1. **Basic Zoning Regulations.** "Basic Zoning Regulations" means such zoning regulations as are applicable to the use district other than the regulations set forth in this section.
2. **Building Site.** A "Building Site" is a tract of land not divided by public streets or into lots, excepting for single-family dwelling purposes and which will not be subdivided, or where the tract of land, if so divided, is in single ownership or is owned by a condominium group. (The site must be located on a public street or highway.)
3. **Comprehensive Plan.** Shall mean the official guide for the physical, social and economic growth of the Town of Green Bay, which is now or may hereafter be in effect.
4. **Density.** Shall mean the number of dwelling units permitted per square foot of land area or number of dwelling units permitted per acre of land area and, in all cases, the projected population of the Planned Residential Development District.
5. **Developer.** The owner(s) of the building site for which an application for Planned Residential Development overlay zoning is submitted.
6. **Final Plan.** Shall mean the proposal for development of a planned residential development district, including a plat of subdivision (if any), all covenants, easements and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities. The plan shall include such information as required by Subsections F(5) and G herein.

7. **Open Space.** Shall mean a parcel or parcels of land or an area of water, or a combination thereof, within the site designated for Planned Residential Development District and designated and intended for the use or enjoyment of residents of the planned development.
 - a. **Improved Open Space.** Shall mean the above parcels and any structure or improvements which are placed upon such parcels (i.e., restrooms, tennis courts, ball diamonds, etc.).
 - b. **Unimproved Open Space.** Shall mean open space kept free of structures or improvements, except for hiking, horseback riding, bicycle trails, ponds, picnic areas and nature parks.
8. **Planned Residential Development District.** Shall mean an area of land controlled by a single owner, corporation or other legal entity, to be developed as a single entity for a number of dwelling units, single-family, two-family or multiple-family, including but not limited to open spaces, landscaping, accessory buildings, parking areas and appurtenant structures, and is hereafter referred to herein as PRD.
9. **Pre-application Conference.** The initial meeting between the developer and the Town Board, at which time the developer shall present the sketch plan. The Town Board shall at the conclusion of such conference pass a resolution either: encouraging the developer to submit an application for PRD overlay zoning; or advising the developer that the proposed PRD is not consistent with the community's standards and posture on Planned Residential Development and thereupon recommending that no application for such project be submitted at that time.
10. **Preliminary Plan.** Shall mean the preliminary drawings and other required information described in Subsection F(5) herein, indicating the proposed manner and/or layout of the PRD to be submitted to the Green Bay Town Plan Commission.
11. The Procedure For Application and Approval of a Planned Residential District consists of three steps:
 - a. Pre-Application Conference as defined herein below.
 - b. Preliminary Approval as defined herein below.
 - c. Final Approval as defined herein below.

E. Pre-application Conference

Prior to filing an application for PRD, the developer shall arrange a pre-application conference with the Town Board. This conference can be arranged by contacting the Town Clerk of the Town of Green Bay, in writing, requesting that such conference be placed upon the agenda of the Town Board. The primary purpose of the pre-application conference is to provide the developer with an opportunity to obtain information and guidance as to the general suitability of the proposed PRD for the area for which it is proposed, and its conformity to the provisions of this chapter before the developer incurs substantial expense in the preparation of plans, surveys and other required data.

1. The pre-application conference shall be held at either a regularly scheduled or special Town Board meeting.
2. Not less than ten (10) days prior to the Town Board meeting/pre-application conference, the developer shall submit three copies of a sketch plan of the proposed PRD.
3. The sketch plan submitted to the Town Clerk shall contain the following:
 - a. A written statement containing: the major planning assumption; the objectives of the proposed development; the development concept; the benefits that will accrue from the development to the community at large, its residents, and the neighbors of the proposed development.
 - b. Name and address of the developer. If the developer is a partnership, then the names and addresses of all partners shall be provided. If the developer is a corporation, then the names and addresses of all of the shareholders, directors, and officers shall be provided.
 - c. Name and address of the recorded owner of the property if different from the developer.
 - d. Names and addresses of all property owners within a three hundred (300) foot peripheral strip surrounding the proposed PRD.
 - e. Name, address and telephone number of the firm or individual responsible for preparation of the sketch plan.
 - f. A map drawn to a scale of not less than one inch (1") equals one hundred (100) feet containing a north arrow, graphic scale, the date of the drawing, tract boundaries, a statement of the total acreage of the tract, the proposed location of all principle structures and associated parking areas.
 - g. A statement concerning the significant physical features within the tract, including existing two (2) foot contours, water courses, ponds, lakes, and wetlands. This statement shall also address any proposed major changes in those features.

- h. A statement discussing all contemplated land uses within the PRD.
 - i. A statement describing the zoning district(s) containing the PRD and within three hundred (300) feet adjacent to the proposed PRD.
 - j. A statement describing all existing buildings that may affect the current and future development of the tract.
 - k. A statement discussing the pedestrian, bicycle, auto, mass transit or other circulation systems both within and outside the site.
 - l. A statement concerning existing rights-of-way and easements which may affect the PRD project.
 - m. If the developer's PRD plan calls for development in stages, then a map drawn to a scale of not less than one inch (1") equals one hundred feet (100') showing the successive stages of development.
 - n. Any other documents and supporting information deemed necessary by the developer or the Town Board.
4. The pre-application conference may be adjourned or continued as the Town Board deems necessary to acquire further information. At the conclusion of the pre- application conference, the Town Board shall pass one of the following three resolutions:
- a. A resolution recommending that an application be submitted to the Green Bay Town Plan Commission; or
 - b. A resolution recommending that an application not be submitted to the Green Bay Town Plan Commission; or
 - c. A resolution that further information and data be gathered and that a revised sketch plan be submitted along with a request for a subsequent preapplication conference.
 - d. Any such resolution passed by the Town Board at the conclusion of the pre-application conference is advisory only and is not binding upon any further act or determination by the developer, Town Plan Commission or the Town Board concerning any subsequent application for PRD.

F. Preliminary Approval

Preliminary approval consists of approval of the proposed project in principle only. It shall be determined in accord with the following procedures:

1. **Notice, Fee and Public Access Filing Requirement.** A person desiring to develop a particular site as a Planned Residential Development District shall apply to the Zoning Administrator on such forms as shall be provided by the Town and shall pay a fee of Fifteen Hundred dollars (\$1,500.00) which shall contain the names, mailing addresses and telephone numbers of the owners and developers and a description of the development site. Appropriate supporting documents and maps, as required in Subsection F(5) herein, shall be filed with the application. In addition, a true, complete, and legible free public access copy of the application and all supporting documents and maps submitted by the developer, shall be prepared and filed with the Town Zoning Administrator by the developer, at the developer's expense. This free public access documentation shall be available to the public at the Town Hall, Town School or such other location within the Town of Green Bay as directed by the Zoning Administrator. The purpose of this provision is to promote public awareness and enhance public participation in the preliminary approval and final approval hearings. As such, the developer's obligation to prepare and file an extra copy of all supporting documents and maps submitted in support of developer's application for free public access continues until final approval or denial of approval of the proposed Planned Residential Development District. Interested members of the public seeking access to this public copy of the proposed Planned Residential Development District documentation may contact the Zoning Administrator for information as to its location and availability for inspection.
2. **Public Notice of Town Plan Commission.** The Zoning Administrator shall inform the Town Plan Commission of such desire and shall secure a date for an initial meeting between the developer and the Town Plan Commission and shall notify such developer of such date.
3. **Public Notice of Town Plan Commission meeting.** All Town Plan Commission meetings conducted pursuant to this subsection shall be preceded by public notice posted in three (3) conspicuous places within the Town by the Town Plan Commission not less than seventy-two (72) hours prior to such meeting(s). In addition, the developer shall, at the developer's expense, mail written notice by certified or registered mail to all property owners of those properties located within the three hundred (300) foot periphery surrounding the building site to be developed not less than fourteen (14) days prior to the initial Town Plan Commission meeting. The written notice issued by the developer shall include the name, address, and telephone number of the developer's representative who shall be prepared to provide interested parties with copies of the sketch plan, application, preliminary plan and any other document(s) submitted or to be submitted to the Town Plan Commission at, or

prior to, the public hearing. Copies of any such documentation shall be provided to interested members of the public by the developer upon request, provided however, the developer may charge the requesting party the reasonable cost of duplication of any such requested item, and may require that the requesting party pay the cost of duplication in advance of duplicating and providing the requested copies. The developer shall file a copy of the written notice and the mail certification receipts with the Town Plan Commission at or prior to the commencement of the meeting. Failure of the developer to timely file the notice copy or the mail receipts with the Town Plan Commission shall result in adjournment of such meeting until such time as this requirement shall be satisfied.

4. **Town Plan Commission Recommendation.** The Town Plan Commission, upon concluding such meetings as the Commission may require with the developer, shall report in writing such proposed project development to the Town Board, together with its recommendation for either approval or disapproval of the same. Such report and recommendations of the Town Plan Commission shall be made to the Town Board no later than four (4) months from the date of the filing of the application with the Zoning Administration and receipt of any required supportive information by the Town Plan Commission. The Town Plan Commission's 'report', as required herein, shall include: a complete copy of all documents, maps, and other items submitted by the developer to the Town Plan Commission, as well as copies of all Town Plan Commission meeting minutes containing any reference or information concerning the PRD application. A recommendation of approval by the Town Plan Commission shall in no way be binding on the Town Board. The Town Board shall either approve or disapprove the proposed development project, with or without modification within four (4) months of its receipt of the Town Plan Commission recommendation. Any such approval shall be a preliminary approval only and shall not bind the Town Board regarding final approval.
5. **Information Required.** The following information shall be provided by the developer in adequate detail to satisfy the Town Plan Commission for its report and recommendation regarding preliminary approval:
 - a. A statement describing the general character of the intended development.
 - b. An accurate map of the project area drawn at a scale of no less than one sixteenth (1/16) inch equals one (1) foot, showing the nature, use and character of abutting properties prepared by a registered surveyor.
 - c. Four (4) copies of a general development plan of the proposed project drawn at a scale no less than one sixteenth (1/16) inch equals one (1) foot, including addenda showing the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in subparagraphs 1, 2, 3, 4 and 6 of Subsection I of this section:
 - (1) Tract boundaries and a statement of the total acreage of the tract;

- (2) Significant physical features within the tract, including existing two (2) foot contours, watercourses, drainage, ponds, lakes and wetlands and any proposed major changes in those features;
 - (3) Zoning District(s) on and within four hundred (400) feet adjacent to the proposed project;
 - (4) Property lines (if any) within the proposed project;
 - (5) All contemplated land uses within the tract;
 - (6) An indicator of the contemplated intensity of use; i.e., gross density in residential or recreational development;
 - (7) Number and type of dwelling units;
 - (8) Existing buildings that may affect future development and proposed location of all principle structures and associated parking areas;
 - (9) Proposed lot coverage of buildings and structures;
 - (10) Proposed circulation systems (pedestrian, bicycle, auto, mass transit) by type, how they relate to the existing network outside this site;
 - (11) Existing rights-of-way and easements which may affect the PRD project;
 - (12) In the case of plans which call for development in stages, a map at an appropriate scale showing the successive stages;
 - (13) The location of sanitary and storm sewer lines, water mains, fire hydrants and lighting;
 - (14) The location of recreational and open space areas and areas reserved or dedicated for public uses, such as schools, park, etc.;
 - (15) Description of proposed system for drainage;
 - (16) General landscape treatment.
- d. Appropriate statistical data on the size of the development, residential density, ratio of various land uses, economic analysis of the development and any other data pertinent to the evaluation under the criteria of subparagraphs 1, 2, 3, 4 and 6 of Subsection I of this section.
 - e. Architectural drawings and sketches illustrating the design, character and appearance of all proposed structures.

- f. General outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services, if any.
 - g. Economic feasibility and impact report shall be required by the Town Plan Commission to provide satisfactory evidence of: the developer's financial capability; the project's economic feasibility; the availability of adequate financing; and that the project will not adversely affect the economic prosperity of the Town or the values of surrounding properties.
6. Town Board Preliminary Approval. The Town Board shall act to approve, approve with conditions or disapprove the Town Plan Commission's recommendation regarding preliminary approval of the PRD. The Town Board shall conduct its hearings with regard to preliminary approval pursuant to Subsection H and I of this article.
7. Amendment of Preliminary Approval. The recommendation of the Town Plan Commission and the preliminary approval of the Town Board shall be based on and include as conditions thereto the building, site and operational plans for the development as approved, as well as all other commitments offered or required with regard to project value, character or other factors pertinent to an assurance that the proposed development will be carried out as presented in the approved plans. Detailed construction time and the approval of such preliminary plan shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans. Any subsequent change or addition to the plans or use shall first be submitted to the Town Plan Commission and if, in the opinion of the Town Plan Commission, such change or addition constitutes a substantial alteration of the original plan, it shall within forty-five (45) days make an appropriate recommendation to the Town Board relating to an amendment of the preliminary approval.

G. Final Approval

1. Petition for Final Approval. When the Town Board has issued its preliminary approval of the proposed plan, then the developer may file with the Town Clerk a petition executed by the owner of the property to be developed, or his/ her agent, for the final approval, stating that the developer seeks to develop such property under the provisions of this section. Such petition shall include:
- a. The names, mailing addresses and telephone numbers of any additional owners and developers of the development site, and the names of owners and developers listed on the application who no longer have an interest in the project, in the event there has been a change in owners or developers since the date of the application.
 - b. An accurate topographical map showing topographical data at two (2) foot intervals and extending within one hundred (100) feet beyond the exterior boundaries of the site, showing all public rights-of-way and all buildings accurately located within one hundred (100) feet of the exterior boundaries of such site. Such map shall contain all available utilities, including drainage and the capacities thereof and high water elevations along rivers.
 - c. A plot plan at a scale of one sixteenth (1/16) inch equals one (1) foot showing the location, type and size of every proposed structure and its proposed use; also driveways, driveway access roads, parking facilities, lighting appliances, recreation areas, loading docks, open spaces, screening, fencing, and landscaped areas and utility easements.

- d. A statistical table showing the size of the site in square feet, the acreage (exclusive of public streets), proposed population densities and open area (both in square feet and as a percentage of the project area).
 - e. Architectural drawings of all buildings and structures and sketches showing the design characteristics and treatment of exterior elevations and typical floor plans of proposed structures.
 - f. A table showing the approximate costs of structures.
 - g. A statement showing the starting and completion dates of the project.
 - h. Evidence that all conditions attached to the preliminary approval by the Town Board have been fully satisfied.
 - i. Any other pertinent data, statements, drawings or plans which may be required by the Town Board.
2. Town Board Action on Final Approval. Petitions for Final Approval shall be acted upon by the Town Board as follows:
- a. Within ninety (90) days of receipt of the Petition for Final Approval and all required information, the Town Board shall pass one of the following three resolutions:
 - (1) A resolution granting the developer final approval which includes all of the plans, specifications, blueprints, conditions, commitments, agreed methods of operation, and all other terms applicable to the project, either setting those matters out in detail within such resolution or incorporating same into such resolution by reference, such that the resolution will encompass all of the matters, representations, covenants and agreements which resulted in the grant of final approval; or
 - (2) A resolution denying the developer final approval; or
 - (3) A resolution requiring the developer to submit further information such that the Town Board may take further action upon final approval.
 - b. If the Town Board has not acted by resolution granting or denying the Petition for Final Approval within ninety (90) days of the date upon which all required information has been received, the Petition for Final Approval shall be deemed to have been denied.
 - c. A Planned Residential Development District shall not be granted final approval if a protest against the Petition for Final Approval is presented to the Town Board prior to or at the public hearing on final approval, unless the resolution granting final approval is adopted by not less than a three-fourths (3/4) vote of the Town Board. To be effective, the protest must be written, signed and acknowledged by at least fifty percent (50%) of the owners of the property within a three hundred (300) foot periphery surrounding the building site.
3. Appeal of Final Action by Town Board upon Petition for Final Approval. Any person or persons, jointly or severally, aggrieved by the decision of the Town Board concerning final approval, may within thirty (30) days after any such final action by the Town Board (including expiration of the ninety (90) day period for action upon final approval), commence

an action in the Circuit Court seeking the remedy available by certiorari.

- a. The Court shall not stay proceedings upon the decision appealed from, but may upon application, on notice to the Town Board and on due cause shown, grant a Restraining Order.
- b. The Town Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof.
- c. If necessary for the proper disposition of the matter, the Court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the Court shall be made.
- d. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- e. Costs shall not be allowed against the Town Board unless it shall appear to the Court that the Town Board acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.
- f. All issues in a proceeding under this section shall have preference over all other civil actions and proceedings according to law.

H. Town Board Hearings

The Town Board shall hold public hearings regarding preliminary approval, amendment of preliminary approval, and final approval. Notice of all such hearings shall be provided by the developer at the developer's expense as follows:

1. Notice of all such Town Board hearings shall be published as a Class II Notice.
2. Notice by certified or registered mail shall be mailed by the developer to all property owners of those properties within the three hundred (300) footperiphery surrounding the building site to be developed not less than fourteen (14) days prior to the initial public hearing at each step of the process including preliminary approval, amended preliminary approval, final approval and amendment of final approval.
3. The notice shall contain the date, time and location of the Town Board hearing. It shall also contain the name and address of the developer, a brief description of the nature of the development and legal description of the property to be developed. The notice shall also refer interested parties to the name, address and telephone number of the developer's representative who shall be prepared to provide interested parties with the opportunity to examine and review the sketch plan, any subsequent change or addition to the preliminary or final plans for the development, and any other document(s) submitted or to be submitted to the Town Board at or prior to the public hearing. Copies of any such documentation shall be provided to interested members of the public by the developer upon request, provided however the developer may charge therequesting party the reasonable cost of duplication of any such requested item, and may require that the requesting party pay the cost of duplication in advance of duplicating and providing the requested copies. All such requested documentation shall be delivered, or made available for pickup by the requesting party at an appropriate location within Brown County, not later than seventy-two (72) hours following the developer's receipt of an oral or written request for same. The requesting party shall

determine the method of acquisition (either pick-up or delivery), however, upon electing delivery, the developer may charge and the requesting party shall pay the reasonable cost of delivery at the same time the reasonable cost of duplication is paid.

4. All certifications of publication, a copy of the mailed notice and certified mail receipts shall be filed with the Town Clerk by the developer at or before the Town Board hearing on these matters.

I. Criteria for Approval

As a basis for determining the acceptability of a Planned Residential Development proposal, the following criteria shall be applied by the Town Plan Commission and Town Board to the development plan with specific consideration as to whether or not it is consistent with the spirit and intent of this ordinance, has been prepared with competent professional advice and guidance, and produces significant benefits to the Town's citizens and the general public in terms of environmental design.

1. Character and Intensity of Land Use. The uses proposed and their intensity and arrangement on the building site shall be of a visual, aesthetic and operational character which:
 - a. Is compatible with the physical nature of the site, with particular concern for preservation of natural features, tree growth and open space.
 - b. Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the Town.
 - c. Would not adversely affect the anticipated provision for school, sewer, water, snow removal, garbage pick-up, fire protection or other municipal services.
 - d. Would provide sufficient and accessible off-street parking and loading facilities in the amounts specified in Section XVIII, Off-Street Parking Zoning Requirements.
2. Landscaping of Parking Areas. The parking site shall be planned to provide a desirable transition from the streetscape and to provide for adequate landscaping, pedestrian movement and parking areas. In keeping with this purpose, the following design standards shall be set forth:
 - a. Where natural or existing topographic features contributed to the beauty and utility of a development, consideration shall be given to their preservation. Modification to topographic features should only occur where it contributes to good appearance and is environmentally sound.
 - b. Plant material shall be selected for interest in its structure, texture, color and for its ultimate growth. Further, it is recommended that native materials be employed for their ability to tolerate the prevailing climate including foreseeable adverse conditions.
 - c. In locations where plant materials will be susceptible to injury by pedestrians and/or motor vehicles, appropriate curbs, tree guards or other protective devices shall be employed.
 - d. Parking areas shall be arranged so as to prevent through traffic to other parking areas.

- e. Parking areas shall be screened from adjacent structures, roads and traffic arteries with hedges, dense planting, earth berms, changes in grade or walls, except where parking areas are designed as an intricate part of the street.
 - f. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
 - g. All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences.
 - h. All off-street loading and unloading areas shall be paved, and the design thereof approved by the Town Plan Commission.
 - i. All parking areas and off-street loading and unloading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences.
3. Engineering Design Standards. The width of rights-of-way, width and location of street or other paving, requirements for outdoor lighting, locating of sanitary and storm sewer and water lines and provision for drainage and other similar environmental engineering considerations shall be based upon a determination as to the appropriate standards necessary to insure the public safety and welfare. Under appropriate circumstances, the Town Board may condition its preliminary approval upon the results of studies of the proposed development's engineering design standards, by an independent engineering firm, retained upon bid by the Town Board. In such event, the developer shall deposit with the Town Treasurer the selected engineering firm's total bid price, within five (5) days of receipt of written notice of the acceptable bid price. Default of the developer with regard to timely deposit of such sum, shall constitute the developer's withdrawal of its application for PRD. However, the developer may request a special hearing before the Town Board to question and to be advised as to the appropriateness of the circumstances giving rise to the requested independent study. However, provided the Town Board shall have appropriately solicited bids and shall have selected the lowest responsible bidder, there shall be no further discussion with regard to the bid price previously deemed acceptable by the Town Board.
4. Preservation and Maintenance of Open Space. Adequate provision shall be made for the permanent preservation and maintenance of common "open space" and rights-of-way either by private reservation or dedication to the public.
- a. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Town, as part of the conditions for project approval, an open space easement over such open areas restricting the areas against any further building or use, except as is consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences. Buildings or uses for noncommercial recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan, or subsequently with the express approval of the Town Board following the recommendation of any such building, site and operational plans by the Town Plan Commission.
 - b. In the case of roadways and other rights-of-way which are not dedicated to the public, as part of the conditions for project approval, there shall be granted to the Town such easements over the same as may be necessary to enable the Town to provide suitable and adequate fire protection, sanitary and storm sewer, water and other required municipal services to the project area.

- c. The care and maintenance of such open space reservations and rights-of-way shall be assured, either by establishment of appropriate management organization for the project or by agreement with the Town for establishment of a special service district for the project area on the basis of which the Town shall provide the necessary maintenance service and levy the cost thereof as a special assessment on the tax bills of properties within the project area. In any case, the Town shall have the right to carry out and levy an assessment for the cost of any maintenance which it feels necessary if it is not otherwise taken care of to the satisfaction of the Town. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title to each property.
 - d. Ownership and tax liability of private open space reservations and rights-of-way shall be established in a manner acceptable to the Town and made a part of the conditions of the plan approval.
5. Additional factors and requirements to be considered by the Town Plan Commission and Town Board.
- a. The applicable provisions of the Town's Comprehensive Plan as it pertains to schools, water supply, sewage treatment systems, highway and street alignments, environmental integrity and other public facilities where appropriate.
 - b. Land with unsafe or hazardous conditions such as open quarries, unconsolidated fill, floodplains or steep slopes shall not be developed unless the plan provides for adequate safeguards.
 - c. The physical layout and form of all structures and streets shall be designed with regard to the topography and natural features of the site, the effects of prevailing winds, seasonal temperatures, and hours of sunlight. All housing shall be sited to as to enhance privacy and ensure natural light for all principle rooms.
 - d. Whether the housing and other facilities adjacent or closest to the boundaries of the PRD are designed so as to be harmonious with neighboring areas.
 - e. Economic feasibility of the project including not only initial construction and sale but in addition, all future maintenance and care of the PRD shall be examined and assured by escrow, performance bond or adequate surety.
 - f. Proper accommodation of pedestrian traffic including providing such sidewalks, walkways, and bicycle paths as may be necessary for the safety and convenience of pedestrian and cyclist traffic within project boundaries.
 - g. What, if any arrangements must be made to accommodate pedestrian traffic outside the project boundaries to assure the safety and convenience of pedestrian and cyclist traffic expected to be generated by the PRD.
 - h. Does the proposed plan of the PRD as designed, minimize the disturbance to the natural environment and preserve natural site amenities such as topography, trees and groundcover, natural bodies of water, and other natural features.
 - i. Heights of structures.

- j. Auto parking facilities.
- k. Screening and fencing.
- l. Landscaping.
- m. Setbacks.
- n. Open space reservations.
- o. The site itself as it relates to neighborhood environment, compatibility to existing neighborhood use, and general neighborhood characteristics.
- p. Nature and use of the proposed structures and their design, architecture and the materials to be used.
- q. Highway access to the site, number of openings and location of same.
- r. Traffic generation, number of vehicles parked and rate of turnover per hour.
- s. Drainage.
- t. Capacities required for sewer, water and other necessary utilities.
- u. Educational capacity capabilities (number of families and school load).
- v. Economic impact on the Town, its inducements, attractions and detractions.
- w. Lighting.
- x. Proposed methods and hours of operation.
- y. Comparison of open space as required by the underlying basic zones with that of the proposed project.
- z. Operational control, security, management.
- aa. Commencement and completion dates.
- bb. Highway dedication.
- cc. Deed restrictions, escrows, insurance and sureties deemed necessary to protect the health, safety and welfare of the Town, its residents or the general public.
- dd. The financial capability of the developer.
- ee. The historical development experience and practices of the developer.
- ff. The developer's historical business experience and practices.
- gg. The character, apparent abilities and qualifications of the developer as provided by credible references.

- hh. Consider the current effect(s) of the proposed PRD upon the immediate surrounding area.
 - ii. Consider any future effect(s) the PRD may have upon future development of the area surrounding the PRD and whether the land surrounding the proposed PRD can be planned in coordination with the proposed PRD.
 - jj. Whether or not an exception from the Zoning Ordinance District requirements and limitations is warranted by virtue of the design and amenities incorporated into the PRD's final plan.
 - kk. Whether the developer, its general contractor or subcontractors have sufficient liability insurance, escrowed funds, bonding, or other surety to fully cover and indemnify potentially affected property owners and the Town for damage(s) to property incurred during and as a result of the developer's planned construction activity within the PRD.
 - ll. Such other limitation, conditions, or special requirements, as may be deemed necessary to protect the health, safety, and welfare of the Town, its residents, or the general public.
6. **Implementation Schedule.** The developer shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Town Plan Commission and the Town Board, including suitable provisions (and the Town may require the furnishing of a suitable and sufficient performance bond) for assurance that each phase could and should be brought to completion in a manner which shall not result in adverse effect upon the community as a result of termination at the end of any phase.

J. General Provisions

1. **Engineering Design Standards.** Normal standards or operational policy regarding right-of-way widths, provision of sidewalks, street lighting and similar environmental design criteria shall not be mandatory in a planned development, but precise standards satisfactory to the Town, pursuant to the criteria for approval as set forth in Subsection I of this article, shall be made a part of the approval plan and shall be enforceable as a part of this ordinance.
2. **Approvals.** The developer shall develop the site in accordance with the terms and conditions of development presented to and approved by the Town Board. Any changes or additions by the developer to the original approved development site, structures, or plans of operation shall require resubmittal and recommendation by the Town Plan Commission, and approved by the Town Board. Provided however, the Town Board reserves the right to amend the grant of final approval to add or delete any conditions, commitments, or guarantees, as may be permitted by law, when circumstances dictate that the public health, safety, or general welfare will be adversely affected in the absence of such amendment or under circumstances where the grant of final approval excluding such amendment(s) was the product of fraud, mistake or excusable neglect.
3. **Rescinding Approval.** Failure to comply with the conditions, commitments, guarantees, or the recommendations established in the final approval of such development project, including any subsequent amendment(s) thereto, shall be cause for rescinding the approval of the same. Upon notice given by the Zoning Administrator, the developer then shall be required to appear before the Town Board at its next public meeting, to explain any such failure to comply. The Town Board at such meeting shall determine whether or not the developer shall have failed to comply and, if there has been such a failure, may either:

- a. Rescind its approval, whereupon such rescission and cessation of all rights and privileges of the developer, including the right to complete the construction or to construct any building or other structure or improvement, shall become effective on the thirty-first (31st) day following mailing by certified mail to the developer at his/her last known address of a written notice of such rescission; or
- b. Adjourn such discussion at the Town Board meeting for a period not to exceed sixty-five (65) days to enable the developer to comply; whereupon, if the developer is then in substantial compliance and has then established to the reasonable satisfaction of the Town Board that there will be compliance in the future, the rights and privileges of the developer shall continue for such period of time that there shall be such compliance; but, if the developer is not then in substantial compliance, or does not establish to the reasonable satisfaction of the Town Board that there will be compliance in the future, the Town Board will proceed in accordance with subparagraph a, immediately above.
- c. Nothing contained herein shall preclude, and the Town Board hereinspecifically reserves the right to seek such ex parte restraining orders or temporary injunctions, whether prohibitory, preventative, mandatory or affirmative, as may be necessary to avoid irreparable loss or damage, restrain against continuing harm, or maintain the status quo until the issues can be resolved on the merits.

K. Interpretation

In the interpretation and application of this article, the provisions set forth hereinabove shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Green Bay and shall not be deemed a limitation or repeal of any other power granted to the Town of Green Bay by the Wisconsin Statutes. Any development hereunder shall be planned, reviewed and carried out in conformance with all municipal, state and other laws and regulations. The provisions of this section or of any PRD plan given final approval under this section, shall take precedence and be controlling when there is conflict between such provision and any other provision of the Town of Green Bay Zoning Ordinance.

Article XVI. Manufactured Housing Parks

This article shall regulate the parking, location, and maintaining of all manufactured homes and manufactured home parks.

Manufactured home parks shall be allowed as Conditional Uses in the RR-Rural Residence and R2-Single Family Residence Zones.

Manufactured home parks shall be prohibited in all other zoning districts within the Town of Green Bay.

A. Definitions

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1. **Manufactured Home - Class I.** A structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. Sections 5401 to 5426. For purposes of this ordinance, a manufactured home Class I shall be considered a single-family or two-family home when meeting the requirements of Section IV, I and, therefore, may locate in any district permitting such use.
2. **Manufactured Home - Class II.** A structure transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976.
3. **Manufactured Home Park.** Any park, court, campsite, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes and shall include all facilities used or intended for use as part of the equipment thereof. Manufactured home park shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.
4. **Unit.** One (1) manufactured home.
5. **Non-Dependent Unit.** A manufactured home that has a bath or shower and toilet facilities.
6. **Dependent Unit.** A manufactured home which does not have a bath or shower and toilet facilities.
7. **Space.** A plat of ground in a manufactured home park designed for the location of only one (1) manufactured home.
8. **Person.** Shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, or other agent, heir or assignee.

9. **Pad.** A concrete slab or its equivalent, as determined by the Town Building Inspector, constructed on the manufactured home space for the purpose of accommodating water and sanitary connections for a manufactured home.
10. **Occupied Area.** That portion of an individual manufactured home space which is covered by a manufactured home and its accessory structures.
11. **Park Management.** The person who owns or has charge, care or control of the manufactured home park.

B. License for Manufactured Home Park: Application and Issuance

1. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by him/ her, a manufactured home park within the limits of the Town of Green Bay without first securing a license for each park from the Town Board, pursuant to this chapter. Such license shall expire at the close of the calendar year issued, but may be renewed under the provisions of this chapter for additional periods of one (1) year.
2. The application of such license or renewal thereof shall be approved by the Town Board. Before a license is issued, an applicant shall pay an annual fee of Five Hundred (\$500.00) Dollars and, in addition thereto, each applicant for an original or renewal license shall file with the Town Clerk a bond in the sum of One Thousand (\$1,000.00) Dollars for each fifty (50) manufactured home spaces or fraction thereof, guaranteeing the collection by the licensee of the monthly parking permit fees as provided in this Ordinance and the compliance of the licensee and the park management with the provisions of this Ordinance. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating any provision of this Ordinance. The annual license shall be subject to renewal by the Town Board, provided that said licensee has abided by the requirements of this Ordinance or the laws or regulations of the State of Wisconsin relating to manufactured home parks and their operation, and particularly with reference to laws or ordinances relating to health, sanitation, refuse disposal, fire hazard, morals, or nuisances.
3. The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the manufactured home park and make the application) and such legal description of the premises upon which the manufactured home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or revised manufactured home park shall be accompanied by five (5) copies of the park plan showing the following, either existing or as proposed:
 - a. The extent and area for park purposes.
 - b. Roadway and driveways.
 - c. Location and designation of dependent and independent manufactured home spaces.

- d. Location of service building indicating the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of the manufactured home park.
- e. Complete layout of storm, sanitary and water systems for service building and spaces.
- f. Method and plan of garbage removal.
- g. Plan for electrical or gas lighting of spaces.
- h. Interest of applicant in proposed manufactured home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him/her to construct and maintain the proposed park, addition, modification, or extension, and make the application.

C. Revocation and Suspension

The Town Board may suspend or revoke a license after a hearing held pursuant to Section 66.058 (2)(d), Wisconsin Statutes.

D. Location of Manufactured Home Parks

An application for the construction of a manufactured home park shall be considered only when its proposed location is within a district zoned to permit this type of use.

E. Manufactured Home Park Plan

1. Manufactured home spaces shall be clearly defined and shall consist of a minimum of eleven thousand two hundred fifty (11,250) square feet and a width of not less than forty (40) feet measured at right angles from the side lot line of each space when served by public sanitary sewer, and a minimum of forty thousand (40,000) square feet and a width of not less than one hundred (100) feet when not served by public sanitary sewer. The park shall be arranged so that all spaces shall face or abut on a roadway of not less than thirty (30) feet in width, giving easy access from all spaces to a public street. Such roadways shall be paved with asphalt or concrete and maintained in good condition, provided for adequate storm water drainage, said drainage to be determined by the Town Manager. The roadways shall be well lighted and shall not be obstructed.
2. The park shall be so laid out that no dependent unit shall be further than two hundred (200) feet from the toilets and service building, provided for herein, and walkways to such buildings shall be paved and well lighted.
3. Electrical service to manufactured home spaces shall conform to the regulations set forth in the Wisconsin State Electrical Code, incorporated herein by reference as though in full set forth.
4. All manufactured homes within a manufactured park shall be parked within the designated spaces.

5. For the protection of abutting property owners, as well as manufactured homeowners, a twenty-five (25) foot buffer strip shall be provided within all property lines of the site. Said buffer strip to be used for the planting of shrubbery and trees and shall be exclusive of the manufactured home spaces. A decorative fence, in accordance with the off-street parking ordinance may, if so desired, be substituted for the rear and interior twenty-five (25) foot buffer strip.
6. Each manufactured home space shall provide a front and rear yard setback of ten (10) feet and a side yard setback of ten (10) feet. The above setbacks shall be seeded and landscaped and in no case shall they be used for off-street parking or be occupied by a manufactured home and/or its necessary buildings, except for the following:
 - a. Structures for utility outlets and garages serving more than one (1) space may be located within the side or rear setback of the common lot line.
 - b. The hitch used for pulling the manufactured home may protrude into the front yard setback.
7. One (1) off-street parking stall shall be provided within each manufactured home space, said stall to be in accordance with Section E (6).
8. There shall be constructed on each manufactured home space a concrete pad, or its equivalent, as determined by the Town Building Inspector to be used for the accommodation of necessary water and sanitary connections.
9. A minimum of two hundred (200) square feet per manufactured home space, exclusive of the minimum herein provided for individual manufactured home spaces and buffer strip, as indicated in E (5) and (6) above, shall be required for the express purpose of providing open space and recreational area for the residents of the manufactured home park.
10. In no case shall a manufactured home and its accessory buildings occupy more than thirty-six (36) percent of a space.
11. All manufactured homes in manufactured home parks shall be skirted, unless the unit is placed within one (1) foot vertically of the stand with soil and other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
12. No person shall construct, alter, add to or alter any structure attachment or building in a manufactured home park or in a manufactured home space without a permit from the Town Building Inspector. Construction on or addition or alteration to the exterior of a manufactured home shall be of the same type of construction and materials as the manufactured home affected. This subsection shall not apply to addition of awnings, antennae or skirting to manufactured homes. Accessory structures on manufactured home spaces shall comply with all setback side yard and rear yard requirements for manufactured home units.

F. Sanitarian Regulations

All manufactured home parks shall conform to the sanitarian and health regulations as set forth by the State of Wisconsin and Brown County.

G. Operation of Manufactured Home Parks: Responsibility of Park Management

1. In every manufactured home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Ordinance shall be posted therein and the park register shall at all times be kept in said office.
2. The attendant or person in charge and the park licensee shall operate the park in compliance with this Ordinance and regulations and ordinances of the town and state and their agents or officers and shall have the following duties:
 - a. Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:
 - (1) Names and addresses of all owners and occupants of each manufactured home.
 - (2) Number of children of school age.
 - (3) State of legal residence.
 - (4) Dates of entrance and departure of each manufactured home.
 - (5) Make, model, year, and serial number or license number of each manufactured home and towing or other motor vehicles and state, territory or country issuing such licenses.
 - (6) Place of employment of each occupant, if any.
 - b. Notify park occupants of the provisions of this Ordinance and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Ordinance or any other violations of law which may come to their attention.
 - c. Notify the health officer immediately of any suspected communicable or contagious disease within the park.
 - d. Supervise the placement of each manufactured home on its stand which includes securing its stability and installing all utility connections and tiedowns.
 - e. Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
 - f. Maintain the park free from growth of noxious weeds.

H. Variances

The requirements of Section E (1), (5), (6), (7), (8), (9), and (10) shall not apply to manufactured home parks existing prior to the adoption of this Ordinance. All provisions of this Ordinance, however, shall apply to additions of new manufactured home parks.

Section XVII. Regulation of Signs

A. Purpose of Sign Regulations

The purpose of this section is to promote and protect the public safety, comfort, convenience and general welfare by the orderly placement and erection of signs and billboards in the Town of Green Bay.

1. **Definitions.** The following definitions shall apply to this Section:
 - a. **Sign** – A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, produce, place, activity, person, institution, organization, or business. Signs located completely within an enclosed building and not exposed to view from a street are not considered signs. Each display surface of a sign or sign face is considered a sign.
 - b. **Sign Area** – The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure; or, where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.
 - c. **Sign Face** – The entire display surface area of a sign upon, against, or through which copy is placed.
 - d. **Freestanding** – A sign erected and maintained on a freestanding frame, mast, or pole not attached to any building, and not including ground-mounted signs.
 - e. **Ground-Mounted Sign** – A sign that extends from the ground or has support that places the bottom of the sign less than two feet from the ground.
 - f. **Highway Sign** – A freestanding sign, Integral Sign, or Ground-Mounted Sign that is erected and maintained within the view of motorists who are driving on a state or interstate highway.
 - g. **Integral** – A sign that is embedded, extruded, or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.
 - h. **Portable Sign** – Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled, or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.
 - i. **Temporary Sign** – A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and is intended to be displayed for a limited period of time.
 - j. **Window Sign** – A sign that is attached to or located within three feet of the interior of a window and can be seen through the window from the exterior of the structure.

- k. Billboard – A sign intended to lease to third parties and is itself the primary income generator and commercial use of the property upon which it is located.
 - l. Digital Billboard – A sign that is static and changes messages by any electronic process or remote control.
2. **Sign Permit.** No sign other than a Temporary Sign may be constructed, installed, or erected within the Town without a Sign Permit issued by the Town Board. The fee for a Sign Permit shall be as set forth by separate resolution.
3. **Signs in Residential Districts (R-R, R-2, E-R, M-1).**
- a. Allowed Sign Types:
 - i. Ground-Mounted Signs
 - ii. Portable Signs
 - iii. Temporary Signs
 - iv. Window Signs (non-illuminated)
 - b. Dimensional Restrictions.
 - i. No sign face may exceed 6 square feet in area.
 - ii. Signs other than building-mounted signs may not exceed 6 feet in height above the ground, measured to the top of the sign structure.
 - iii. Building-mounted signs must be flush mounted and must not project above the roof line.
 - iv. Signs may not be located within road right-of-way or otherwise located in a manner that obstructs road vision.
 - v. No more than:
 - One (1) Permitted sign is allowed on each lot.
 - Three (3) Temporary signs are allowed on each lot.
4. **Signs in Business & Industrial Districts (B-1, L-1, I-1).**
- a. Allowed Sign Types:
 - i. Freestanding Signs
 - ii. Ground-Mounted Signs
 - iii. Highway Signs
 - iv. Integral Signs
 - v. Portable Signs

- vi. Window Signs
 - vii. Billboards
 - viii. Digital Billboards
 - ix. Temporary Signs
- b. Dimensional Restrictions.
- i. The total of all sign faces on a lot may not exceed 64 square feet, regardless of the number of signs located on the lot.
 - ii. Signs other than building-mounted signs may not exceed 18 feet in height above the ground, measured to the top of the sign structure.
 - iii. Building-mounted signs must be flush mounted and must not project above the roof line.
 - iv. Signs may not be located within road right-of-way or otherwise located in a manner that obstructs road vision.
 - v. No more than:
 - three permitted signs are allowed on each lot.
 - unlimited Temporary signs are allowed on each lot.
- c. Special Restrictions for Highway Signs.
- i. Notwithstanding the forgoing restrictions in the Business & Industrial Districts, the following restrictions apply to Highway Signs:
 - 1. No sign may exceed 672 square feet per face.
 - 2. Minimum sign spacing on town roads is 500 feet.
 - 3. Highway signs may not exceed 30 feet in height.
 - 4. Highway signs must be placed on a permanent foundation.

5. Signs in Agricultural Districts (A-1, A-2).

- a. Allowed Sign Types:
- i. Freestanding Signs
 - ii. Ground-Mounted Signs
 - iii. Integral Signs
 - iv. Portable Signs

- v. Temporary Signs
 - vi. Window Signs
- b. Dimensional Restrictions.
- i. No sign face may exceed 32 square feet in area.
 - ii. Signs other than building-mounted signs may not exceed 10 feet in height above the ground, measured to the top of the sign structure.
 - iii. Building-mounted signs must be flush mounted and must not project above the roof line.
 - iv. Signs may not be located within road right-of-way or otherwise located in a manner that obstructs road vision.
 - v. No more than 4 signs are allowed on each lot.

6. Temporary Signs.

- a. Temporary signs are allowed in all districts, but not to exceed the following number of temporary signs per lot:
 - i. R-R, R-2, E-R, M-1: three.
 - ii. B-1, L-1, I-1: unlimited.
 - iii. A-1, A-2: unlimited.
- b. Sign face shall be no larger than 64 square feet on any lot at any time. No Temporary Sign may be displayed for a continuous period exceeding 120 days per year.

7. **Illumination.** Signs that are illuminated must be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of any nearby public way in such an intensity or brilliance as to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.

8. **Indemnification.** By applying for a Sign Permit, all persons engaged in the erection and maintenance of the sign, including the applicant, shall indemnify, defend, and hold harmless the Town, its officers, agents, and employees from and against any and all third-party claims arising out of the installation or maintenance of the sign, or otherwise related to the sign.

9. **Abandoned Signs.** No sign in the Town may be abandoned by the owner. Any sign or billboard not properly and reasonably maintained by the owner shall be removed by the owner within thirty days of receipt of a written notice from the Town. Failure to remove an abandoned sign within that period shall cause the Town to remove the sign after an additional ten-day written notice is mailed to the owner. Removal expenses will be charged to the owner of the sign or to the owner of the land where the sign is located. In the event removal costs are unpaid, they may be charged against the property as a special charge.

Section XVIII. Off-Street Parking and Loading Requirements

A. General Requirements - Off-Street Parking

1. **Location.** All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same zoning lot as the building or use served, except that parking spaces to serve business or industrial buildings or uses may be located within three hundred (300) feet, if such spaces are permitted in such zone.
 - a. Off-street parking spaces may be located in any yard, except in the required front yard setback or corner side yards in residential districts. Enclosed buildings and carports containing off-street parking shall be subject to the applicable yard requirements.
2. **Size.** Each required off-street parking space shall be at least nine (9) feet in width measured at right angles to the center of car, as parked, and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, or columns. Aisles shall be not less than twenty-four (24) feet wide for ninety (90) degree parking, fifteen (15) feet wide for forty-five (45) degree parking (angle shall be measured between center line of parking space and center line of aisle), and twelve (12) feet wide for parallel parking. For parallel parking, the length of the parking space shall be increased to twenty-three (23) feet.
3. **Access.** All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
4. **Collective Provision.** Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements. No parking spaces or portion thereof shall serve as a required space for more than one use, unless otherwise authorized by the Plan Commission.
5. **Computation.** When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one half (1/2) or less may be disregarded, while a fraction in excess of one half (1/2) shall be counted as one (1) parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.
6. **Utilization.** Required accessory off-street parking facilities provided for uses listed in Part B of this Section shall be solely for the parking of passenger automobiles of patrons, occupants, or employees of such uses, except as may otherwise be provided for the parking of trucks in the granting of conditional uses.
7. **Design and Maintenance.**
 - a. Plan. Except for residential uses, the design of parking lots or areas shall be subject to the approval of the Zoning Administrator.
 - b. Drainage and grade. All parking areas shall have adequate drainage and shall be provided with bumper guards where required by grade.
 - c. Surfacing and marking of parking lots. All off-street parking lots shall be provided with blacktop or concrete surfacing and shall be maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash, and debris.

- d. **Screening and Landscaping.** All open automobile parking areas containing more than three (3) parking spaces shall be effectively screened on each side adjoining or fronting any property situated in a Residence District or any institutional premises by a wall or fence.
- e. **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance.
- f. **Signs.** Accessory signs shall be permitted on parking areas in accordance with the provisions specified under the sign ordinance.
- g. **Sales, Repair and Service.** No sale, storage, repair work, or servicing of any kind shall be permitted in any parking facility, except by permission of the Town Board.

8. Driveways.

All driveways shall meet the following requirements:

- a. Maximum driveway opening at thirty-four (34) feet.
- b. Driveways shall be not less than twenty-five (25) feet apart. Also, all driveways must comply with applicable side yard setbacks in the relevant zoning district.
- c. In the case of a corner lot, access to the principal street shall be restricted to one (1) driveway, unless extraordinary circumstances are evident.
- d. All driveways are means by which vehicles travel between the street and approved parking spaces and are not to be considered for approved parking spaces.
- e. In no instance shall the total width of driveway openings serving the same parcel exceed one half (1/2) of the total lot frontage.

9. Increased Use.

- a. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement, required parking or loading facilities, as required herein, shall be provided for such increase in intensity of use, and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.

10. Changed Use. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be required for such new use.

11. Damage or Destruction. For any conforming or legally non-conforming building or use, which is in existence on the effective date of this ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, re-established, or repaired, off-street parking or loading facilities shall be provided as required by this ordinance.

12. **Control of Off-Site Parking Facilities.** In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or long-term lease, the term of such lease to be determined by the Board of Zoning Appeals; and such deed or lease shall be filed with the Recorder of Deeds of Brown County. The deed or lease shall require such owner or his/her heirs and assigns to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.
13. **Submission of Plot Plan.** Any application for a building permit or for an occupancy certificate, where no building permit is required, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with this ordinance.
14. **Handicapped Parking Requirements.** All off-street parking lots shall adhere to Wisconsin Statutes 346.503 and 346.56 as to requiring handicapped parking.
15. **Existing Parking Facilities.** Accessory off-street parking facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this ordinance.

B. Specific Requirements - Off-Street Parking

1. **Apartment Hotels.** One and one half (1-1/2) parking spaces shall be provided for each dwelling unit or lodging room and additional space as shall be required for supplemental uses.
2. **Educational (Non-Boarding) and Cultural Institutions.**
 - a. Elementary and middle schools. One (1) parking space shall be provided for each employee and adequate visitor space to be determined by the Board of Education.
 - b. Senior high schools. One (1) parking space shall be provided for each employee, and one parking space shall be provided for each five (5) students, based on the maximum number of students attending classes on the premises at any one time during any twenty-four (24) hour period.
 - c. Public libraries, art galleries, museum, and aquariums. One (1) space shall be provided for each two (2) employees plus additional parking space equal to fifty (50) percent of capacity in persons.
 - d. School auditoriums and gymnasiums. One (1) parking space shall be provided for each eight (8) seats.
 - e. Stadiums and grandstands. One (1) parking space shall be provided for each eight (8) seats.
 - f. Colleges, junior colleges, and universities. One (1) parking space shall be provided for each employee, and one (1) parking space shall be provided for each five (5) students, based on the maximum number of students attending classes on the premises at any one time during any twenty-four (24) hour period.

- g. Fraternities, sororities, and dormitories in conjunction with colleges, junior colleges, and universities. One (1) parking space shall be provided for each three (3) active members or dormitory residents, plus one (1) parking space for the manager.

3. Health and Medical Institutions.

- a. Convalescent homes, nursing homes, rest homes, institutions for the care of the aged and for children, and for sanitariums. One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
- b. Hospitals. One (1) parking space shall be provided for each four (4) hospital beds, plus one (1) parking space for each two (2) employees and doctors assigned to the staff.
- c. Group Homes. One (1) parking space for each four (4) occupants authorized and one (1) parking space for each employee on the maximum shift.

4. Multiple-Family Dwellings. One and one half (1-1/2) parking spaces shall be provided for each dwelling unit. In addition, there shall be provided one (1) guest parking space for each four (4) units in all multiple dwellings or fractions thereof.

5. Philanthropic and Charitable Institutions. One (1) parking space shall be provided for each employee, plus spaces adequate in number, as determined by the Plan Commission, to serve the public.

6. Planned Developments. Parking spaces shall be provided on the basis of the required spaces for each individual use.

7. Public Utility and Service Uses. One (1) parking space shall be provided for each two (2) employees, plus spaces adequate in number, as determined by the Plan Commission, to serve the public.

8. Radio and Television Stations. One (1) parking space shall be provided for each two (2) employees.

9. Religious Institutions.

- a. Churches, chapels, temples, and synagogues. One (1) parking space shall be provided for each four (4) seats.
- b. Convents, seminaries, monasteries, rectories, parsonages, parish houses, and religious retreats. Parking space shall be provided in adequate number, as determined by the Plan Commission, to serve persons employed or residing on the premises, as well as for the visiting public.

10. Recreational.

- a. Stadiums, ball parks, and other outdoor sports arenas. One (1) parking space for each four (4) permanent seats. Such parking shall be located no further than eight hundred (800) feet to the nearest corner of the property on which the place of assembly is located.
- b. Theaters, indoor sports arenas, and auditoriums, other than those incidental to schools. One (1) parking space for each four (4) seats, plus one (1) additional parking space for each two (2) employees on the maximum shift.

- c. Bowling alleys. Four (4) parking spaces per alley, plus additional requirements for other such uses as eating and drinking establishments.
 - d. Dance halls, skating rinks, lodge halls, exhibition halls, without fixed seats. One (1) parking space for each eighty (80) square feet of usable floor area.
 - e. Golf driving ranges or shooting ranges. One (1) parking space for each driving tee or shooter station.
 - f. Miniature courses or putting greens. Two (2) parking spaces for each golf hole.
 - g. Game and athletic courses. Two (2) parking spaces for each court.
 - h. Golf courses. Eight (8) parking spaces per hole and one (1) for each thirty-five (35) square feet of gross floor area in principal building connected with the course, plus one (1) for each two hundred (200) square feet of gross floor area for adjoining accessory commercial uses.
 - i. Swimming pools (other than those used in accessory uses with residential and commercial uses). One (1) parking space for every one hundred (100) square feet of pool area, one (1) parking space for each employee on the maximum shift. Customer pick-up and drop-off zone shall be provided on a curbed directional driveway with the parking zones behind the street setback area, said parking zone not to interfere with the other parking requirements.
 - j. Marinas, harbors, and launching ramps. One (1) parking space for each boat berth, or on-site storage space. In addition, double length car-trailer spaces shall be required if launching ramp is available, per Plan Commission requirements.
11. **Rooming Houses.** One and one half (1-1/2) parking spaces shall be provided for each rooming unit plus one (1) parking space for the owner or manager.
 12. **Single-Family Detached Dwellings.** Two (2) parking spaces shall be provided for each dwelling unit not to be located within the front yard setback.
 13. **Two-Family Dwellings.** Two (2) parking spaces shall be provided for each dwelling unit not to be located within the front yard setback.
 14. **Day Care Centers and Nursery Schools.** One (1) parking space for each eight (8) children authorized and one (1) parking space for each staff member; however, such parking requirement for children authorized may be reduced to one (1) parking space per ten (10) children; if a customer pick-up and drop-off zone is provided on a curved directional driveway with the parking zones behind the street setback area, said parking zone not to interfere with the other parking requirements.
 15. **Day Care Homes, Family.** One (1) parking space for each eight (8) children authorized and one (1) parking space for each staff member; however, if the staff resides in the home, the required spaces and driveway standards of a single-family home may apply, upon the discretion of the Plan Commission.

16. Commercial and Retail Service Uses.

- a. Animal hospitals and kennels. Two (2) parking spaces shall be provided for each employee.
- b. Dry cleaning establishments, laundromats, and receiving stations. One (1) parking space shall be provided for each two (2) employees and every two automatic self-service units.
- c. Funeral homes and mortuaries. One (1) parking space for each five (5) seats or one hundred (100) square feet of floor area for each chapel or parlor, whichever is greater.
- d. Governmental buildings, United States, State, County and City. One (1) parking space for each two (2) employees, plus such additional space deemed necessary by the Plan Commission.
- e. Hotels. One (1) parking space shall be provided for each lodging room, plus one (1) parking space for each employee, plus additional spaces for affiliated uses, as required by this Ordinance.
- f. Medical and dental clinics. Three (3) parking spaces shall be provided for each staff member and regularly-visited doctor.
- g. Motels and rooming units. One and one half (1-1/2) parking spaces shall be provided for each dwelling unit or lodging room, plus one (1) parking space for each employee.
- h. Planned development. Parking facilities shall be provided on the basis of the required spaces for each individual use.
- i. Restaurants, taverns, supper clubs, cocktail lounges, and night clubs. Parking spaces equal in number to fifty (50) percent of the capacity in persons shall be provided, plus one (1) space for each employee.
- j. Retail stores and shopping centers. One (1) parking space shall be provided for each one hundred fifty (150) square feet of floor area.
- k. Schools - music, dance or business. One (1) parking space shall be provided for each two (2) employees, plus one (1) space for each five (5) students.
- l. Theaters, indoor. Parking spaces equal in number to fifty (50) percent of the seating capacity in persons shall be provided.
- m. Banks, savings and loan associations, and other financial institutions. One (1) space for each two hundred (200) square feet of gross floor area, plus one (1) parking space per employee on the maximum shift.
- n. Drive-in banks, savings and loan associations, and other financial institutions. Six (6) spaces for one (1) drive-in window, plus four (4) spaces for each additional drive-in window, in addition, one (1) parking space per employee on the maximum shift.
- o. Barber shops, beauty salons, and other similar personal service use. Two (2) spaces per operator's stations and one (1) space per employee on the maximum shift.

- p. Bus and motor coach depot or station. One (1) space per employee during maximum shift plus six (6) spaces per bus at peak loading capacity.
- q. Bus and motor coach service garage. One (1) parking space per employee on the maximum shift, plus suitable area for servicing and parking bus and motor coaches.
- r. Carry-out restaurants, confectionaries, and drive-in restaurants. One (1) parking space per fifty (50) square feet of net patron floor area, excluding restrooms, plus one (1) space per employee on the maximum shift, plus six stacked parking spaces for each vehicle service window.
- s. Automobile service station uses and automobile wash facilities. One (1) space per employee on the maximum shift and two (2) spaces per service stall or bay, plus three (3) stacked spaces per each fueling position, or car washing staff.
- t. Motor vehicles, machinery sales and repair garage. One (1) parking space for each four hundred (400) square feet of floor area, plus one (1) space per employee on the maximum shift.
- u. Shops repairing household appliances and equipment. One (1) parking space per two hundred (200) square feet of floor area, plus one (1) space per employee on the maximum shift.
- v. Furniture and large appliance store. One (1) parking space for each five hundred (500) square feet of gross floor area, plus one (1) parking space per employee on the maximum shift.
- w. Outdoor sales area, such as for new or used automobile, boat or trailer sales, lumber or building material yards, plant nurseries, or similar uses. One (1) parking space for each one thousand (1,000) square feet of uncovered sales area, plus one (1) parking space per employee on the maximum shift.
- x. General retail sales, including department stores not located in a shopping center. One (1) parking space per two hundred (200) square feet of gross floor area plus one (1) per employee on the maximum shift.
- y. Offices. Business, governmental, and professional offices (except health care, but including counseling services). One (1) parking space shall be provided for each three hundred (300) square feet of floor area for the first eight thousand (8,000) square feet of gross floor area. One (1) additional parking space shall be furnished for each seven hundred (700) square feet or fraction thereof for the next twelve thousand (12,000) square feet of total floor area and one (1) additional parking space shall be provided for each one thousand (1,000) square feet, or fraction thereof, for total area in excess of twenty thousand (20,000) square feet. One (1) parking space shall also be provided for each staff member or employee on the maximum shift.
- z. Cultural and community centers, such as libraries, art galleries, and museums. One (1) parking space for every three hundred (300) square feet or visitor use area, plus one (1) parking space for each one and five tenths (1.5) employees on the maximum shift.

- aa. Businesses (Not Listed Above). One (1) parking space for each two (2) staffmembers of employees, plus such additional parking space, as may be required by the Plan Commission for customers or users.

16. Industrial Districts and Uses, Unless Specifically Mentioned. Off-street parking spaces accessory to uses allowed in the several Industrial Districts shall be provided in accordance with the following minimum requirements.

- a. For the uses listed hereunder, one (1) parking space shall be provided for everyone thousand (1,000) square feet of building area or for every two (2) employees, whichever constitutes the greater number of stalls:
 - (1) Air, motor, railroad, water freight terminals, and repair shops.
 - (2) Contractors' shops and yards.
 - (3) Greenhouses, wholesale.
 - (4) Mail order houses.
 - (5) Radio and television stations.
 - (6) Sewage treatment plants - municipal.
 - (7) Warehouses.
 - (8) Manufacturing establishments.
 - (9) Printing and publishing establishments.
 - (10) Any establishments for production, fabrication, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products.
 - (11) Building materials sales yards.
- b. In the Industrial District and for any industry, one (1) space for every one thousand (1,000) square feet of building area or for every two (2) employees, whichever constitutes the greater number of stalls. Indus tries operating more than one (1) shift must have additional spaces to provide for change of personnel at shift change time.

Section XIX. Artificial Lakes

The following regulations shall apply to all artificial lakes hereinafter constructed or developed within the Town of Green Bay.

A. Location

Artificial lakes shall be allowed as Conditional Uses in the Estate Residential and Agriculture Zones.

B. Permit

1. The property owner, developer, or his/her assigned agent shall make application for an Excavation Permit to the Town Plan Commission prior to construction.
2. The Town Plan Commission shall review and approve the site plan before issuing the Excavation Permit.

C. Site Plans

1. A map drawn at a minimum scale of one (1) inch = two hundred (200) feet showing the proposed lake size and the adjoining property within five hundred (500) feet of the site.
2. Layout of proposed residential lots and other buildings, if applicable.
3. The type of sanitary facilities to be installed, if residential development is to take place.
4. Source of water supply for residential dwellings and water level maintenance in the lake.
5. Surface drainage sources and topography.
6. Proposed roadways.

D. Other Requirements

1. The constructed lake shall meet the requirements of the Brown County Water Law Codes.
2. Artificial lakes constructed adjacent to a navigable body of water shall comply with the regulations set forth by the Wisconsin State Statutes and the Department of Natural Resources.
3. If constructed as a fish or wildlife facility, it shall comply with the requirements and recommendations of the Soil Conservation Service, Agriculture Stabilization Conservation Service and the Department of Natural Resources.
4. The groundwater table in the surrounding area and adjacent to the lake shall be protected.
5. State permits shall be required if high capacity wells are drilled on the site.

6. The Division of Environmental Health requirements shall be met to insure proper safety of swimmers.
7. The perimeter of the lake shall be landscaped and seeded within six (6) months after completion of the excavation.
8. A performance bond shall be filed with the Town Board prior to the start of construction. Amount of bond per acre shall be specified by the Town Board of Green Bay.

Section XX. Earth Excavations Modified 8-11-22

The following regulations shall apply to all future and existing excavations of sand, gravel, stone, loam, dirt, and other earth products within the Town of Green Bay where applicable.

A. General

- ~~1. All excavations of sand, gravel, clay, silt, loam, rock, stone, muck, dirt, soil, and other earthen materials, including but not limited to sand pits, gravel pits, and rock quarries shall require a conditional use permit issued pursuant to this ordinance.~~
- ~~2. All existing sites of excavation shall comply with this ordinance prior to any additional expansions or alterations of the existing site beyond the boundaries of the parcels of record on which excavation is taking place as of the date of the adoption of this ordinance.~~
- ~~3. The standards contained within this Section XX shall apply unless modified in the applicable conditional use permit.~~

B. Exemptions

The following uses shall be exempt from the provisions of this ordinance.

- ~~1. Excavation and removal of less than five hundred (500) cubic yards over a period of one (1) year from any single parcel of land recorded in the Brown County Register of Deeds Office.~~
- ~~2. Necessary foundation and trench excavation only in connection with work on the premises for which a building permit has been issued.~~
- ~~3. Normal agricultural activities.~~
- ~~4. Landscaping or site preparation for building use.~~

C. Permit

- ~~1. Application for a conditional use permit to excavate or remove earth material shall be made to the Green Bay Town Plan Commission by the property owner or his assigned agent. Forms shall be provided by the Town of Green Bay. The Town Plan Commission shall reach a decision within forty (40) days from the filing of the completed application form.~~
- ~~2. The application shall contain the required information as specified in Subsection D, Section XX of this ordinance prior to the issuance of an excavation permit.~~
- ~~3. Following submittal and approval of the excavation plan, the Town Zoning Administrator shall Issue the permit. The permit shall be valid for one (1) year upon issuance.~~
- ~~4. Upon expiration of the permit, the Town Plan Commission shall inspect the site before issuing the permit. If the regulations have been complied with, the permit shall be reissued.~~

D. Site Plans

The following information shall be required on a site plan prior to issuing an excavation permit.

1. ~~A map showing the location of the premises and the adjoining properties within five hundred (500) feet. The map shall be drawn at a scale not smaller than one (1) inch equals two hundred (200) feet.~~
2. ~~Contour intervals of the proposed site at intervals of twenty (20) feet when available.~~
3. ~~Existing and proposed drainage patterns of the site.~~
4. ~~Proposed regrading and revegetation of the site after completion of the excavating operation.~~
5. ~~Proposed truck and machinery access to the site.~~
6. ~~Types and location of temporary or permanent building to be erected on the site.~~
7. ~~Approximate amount of earth material to be excavated or removed at the site.~~
8. ~~Approximate number of trucks and other types of machinery to be used at the site.~~
9. ~~Designated hours of operation.~~

E. Trucks and Machinery

1. ~~No fixed machinery shall be erected or maintained within two hundred (200) feet of any property or street line.~~
2. ~~Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.~~

F. Material Handling

1. ~~No excavation shall take place within fifty (50) feet of any property line or one hundred (100) feet of the street line.~~
2. ~~No screening, sifting, washing, crushing, or other forms of processing shall be conducted upon the premises unless it is located more than five hundred (500) feet from a residential dwelling.~~

G. Excavation Site

1. ~~The excavation of earth materials shall be allowed as Conditional Uses in the Rural Residential and Agriculture Zones.~~

H. Other Requirements

1. ~~At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.~~

- ~~2. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town Board to revoke the permit upon the recommendations of the Town Plan Commission.~~
- ~~3. When excavating and removal operations are no longer used, as determined by the Town Plan Commission, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3:1 (horizontal:vertical) unless waived by the Plan Commission. A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated area except exposed rock surfaces to a minimum depth of four inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until a uniform growth is established.~~
- ~~4. If the excavation site shall fall within a county floodplain, shoreland, or conservancy zone district, the regulations as set forth in the Shoreland Floodplain Protection Ordinance for Brown County shall apply.~~
- ~~5. Town Plan Commission members shall be allowed on the premises during scheduled operating hours for inspection purposes.~~
- ~~6. Any violation of this section shall be subject to the regulations of the Penalty Clause in Section XXIII, Violations and Penalties.~~
- ~~7. A performance bond of \$1,000 per acre shall be required of the excavator.~~

Section XXI. Mobile Tower Siting

A. Title.

This Section is entitled the Town of Green Bay Mobile Tower Siting Permit Regulations.

B. Purpose.

The purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

C. Authority.

The town board has the specific authority under ss. 62.23 and 66.0404, Wis. Stats., to adopt and enforce this ordinance.

D. Adoption of Ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

E. Definitions.

All definitions contained in s. 66.0404(1) are hereby incorporated by reference.

F. Subdivision and Numbering of this Ordinance.

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

G. Siting and Construction of Any New Mobile Service Support Structure and Facilities.

1. Application Process.

- a. A town zoning permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service

support structure and facilities is a conditional use in the town obtainable with this permit.

- b. A written permit application must be completed by any applicant and submitted in duplicate to the Town Clerk and Zoning Administrator. The application must contain the following information:
 1. The name and business address of, and the contact individual for, the applicant.
 2. The location of the proposed or affected support structure.
 3. The location of the proposed mobile service facility.
 4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- b. A permit application will be provided by the town upon request to any applicant.
- c. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- d. Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90-day period:
 1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

2. Make a final decision whether to approve or disapprove the application.
 3. Notify the applicant, in writing, of its final decision.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- e. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 1.b.6.
 - f. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.
 - g. The fee for the permit is \$3,000.

2. Limitations.

The Town Board may impose additional conditions on the permit pursuant to the Town of Green Bay Zoning Ordinance except for conditions prohibited by Wis. Stat. § 66.0404.

H. CLASS 1 COLLOCATION

1. Application Process.

- a. A town zoning permit is required for a class 1 collocation. A class 1 collocation is a conditional use in the town obtainable with this permit.
- b. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:
 1. The name and business address of, and the contact individual for, the applicant.
 2. The location of the proposed or affected support structure.
 3. The location of the proposed mobile service facility.
 4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas,

transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- c. A permit application will be provided by the town upon request to any applicant.
 - d. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - e. Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90-day period:
 1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
 2. Make a final decision whether to approve or disapprove the application.
 3. Notify the applicant, in writing, of its final decision.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - f. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under 1.b.6.
 - g. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.
 - h. The fee for the permit is \$3,000.

2. Limitations.

The Town Board may impose additional conditions on the permit pursuant to the Town of Green Bay Zoning Ordinance except for conditions prohibited by Wis. Stat. § 66.0404. In addition, the permit shall provide the following:

I. Class 2 Collocation

1. Application Process

- a. A town zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the town but still requires the issuance of the town permit.
- b. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:
 1. The name and business address of, and the contact individual for, the applicant.
 2. The location of the proposed or affected support structure.
 3. The location of the proposed mobile service facility.
- c. A permit application will be provided by the town upon request to any applicant.
- d. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject under the Town's Ordinances.
- e. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- f. Within 45 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45-day period:
 1. Make a final decision whether to approve or disapprove the application.
 2. Notify the applicant, in writing, of its final decision.
 3. If the application is approved, issue the applicant the relevant permit.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

- g. The fee for the permit is \$500.

J. Penalty Provisions

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$50 nor more than \$500, plus the applicable surcharges, assessments, costs, and attorneys' fees, for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town may seek injunctive relief from a court of record to enjoin further violations.

Section XXII. Administration and Enforcement

This section of the ordinance shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this ordinance.

A. General

1. This ordinance shall provide for the position of Zoning Administrator, Zoning Board of Appeals, and Town Plan Commission.
2. This section shall provide the authority and necessary requirements for issuance of land use permits and occupation permits; variances, appeals, amendments, conditional uses, fees, and penalties.

B. Zoning Administration

The Town Board of Green Bay shall appoint a Zoning Administrator. It will be the primary responsibility of the Zoning Administrator to administer and enforce this ordinance with the assistance of such other persons as the Town Board may direct. The Town of Green Bay Zoning Administrator shall have the following responsibilities and duties.

1. Issue all land use permits and make and maintain records thereof.
2. Issue all certificates of compliance and make and maintain records thereof.
3. Issue all rezoning certificates and make and maintain records thereof.
4. Conduct inspections of land use to determine compliance with the terms of this Ordinance.
5. Provide and maintain a public information bureau relative to all matters arising out of this ordinance.
6. Forward to the Town of Green Bay Plan Commission all applications for conditional uses and for amendments to this ordinance that are initially filed with the Office of the Zoning Administrator.
7. Forward to the Zoning Board of Appeals applications of appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass under this ordinance.
8. Maintain permanent and current records of this ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals, and applications thereof.
9. Initiate, direct, and review, from time to time, a study of the provisions of this ordinance, and to make reports of its recommendations to the Town Plan Commission.
10. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall consult with the Town Board and only with its advice and consent, shall thereafter notify, in writing, the person responsible for such violation and ordering the action necessary to correct it.
11. Issue a building permit for any new construction or alteration that is over \$2,500.00, but does not come under the jurisdiction of the building inspector (ex. Above ground pools).

12. All Certified Survey Maps will first go to the Zoning Administrator and he will collect the fees.

C. Board of Appeals

1. A Board of Appeals is hereby established. The Board of Appeals shall consist of five (5) members appointed by the Town Chairman, subject to confirmation by the Town Board for three (3) years, except that of those first appointed, one (1) shall serve for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. The members shall serve with compensation as set by the Town Board and shall be removable by the Town Chairperson for cause upon written charges and after public hearing. The Town Chairperson shall designate one of the members as Chairperson of the Board of Appeals. The Town Chairperson shall appoint an alternate member for a term of three (3) years who shall act with full power, only when a member of the Board of Appeals is absent or refuses to vote because of interest. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Board of Appeals may employ a secretary and other employees.
2. The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairperson of the Board of Appeals and at such other times as the Board of Appeals may determine. The Chairperson, or in his/her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
3. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.

Statements of the facts found by the Board shall be included in the minutes of each case heard or considered by it. The reason for recommending or denying an exception as provided in the ordinance shall also appear in the minutes. In every instance, a statement of the facts upon which such recommendations are based shall appear in the minutes.

4. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town of Green Bay affected by any decision of the Town Plan Commission or Town Zoning Administrator.

Such an appeal shall be made within thirty (30) days after the decision or the action complained of, by filing with the Town Zoning Administrator a notice of appeal specifying the grounds thereof. If the appeal is because of a grievance due to a decision by the Town Plan Commission, the Chairperson of the Plan Commission shall also receive a copy of the appeal.

5. The Zoning Administrator or Town Plan Commission shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals.
6. The Board of Appeals shall hold a public hearing on each appeal. Time, place, and purpose of the appeal shall be published as provided in the state law on planning and zoning and applicable to the Town of Green Bay.

7. Due notice of the hearing shall be given to parties of interest as well as owners of property located within one hundred (100) feet of the property in appeal. The Board shall reach decision within sixty (60) days from the filing of the appeal.
8. The Board of Appeals shall have the following powers:
 - a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.
 - b. To hear and decide special exceptions to the terms of this ordinance upon which the Board of Appeals is required to pass.
 - c. Hear and pass upon the application for variance from the terms provided in this ordinance in the manner prescribed by and subject to the standards established herein.
9. Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.

In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show in what particular and specific respects an "unnecessary hardship" or "practical difficulty" would have been created by the literal enforcement of the terms of this ordinance.

10. The Board of Appeals may reverse or affirm wholly or in part or may modify an order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator. The concurring vote of four members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this ordinance.

D. Town Plan Commission

The Town Plan Commission shall be the authorized planning agency and shall perform the duties of the Town Plan Commission as set forth in Section 62.23 of the Wisconsin Statutes.

1. **Jurisdiction.** The Green Bay Town Plan Commission shall carry out the following duties under this ordinance:
 - a. Review all applications for conditional uses and amendments to this ordinance and report said findings and recommendations to the Town Board in the manner designated by this ordinance for amendments and conditional uses.
 - b. Receive from the Zoning Administrator his/her recommendations as related to the effectiveness of this ordinance and report his/her conclusion and recommendations to the Green Bay Town Board.
 - c. Hear and decide matters upon which it is required to pass under this ordinance.
 - d. Review all Certified Survey Maps for their present zoning status and locate on the Town Map.

2. Meetings.

- a. All meetings of the Town Plan Commission shall be held at the call of the Chairperson of the Commission and at such times as the Commission may determine.
- b. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall also keep records of its hearings and other official actions.

3. Decisions. All actions of the Town Plan Commission shall require the vote of a majority of the members of the Commission.

4. Membership.

- a. The Town Plan Commission shall consist of seven (7) members appointed by the Green Bay Town Chairperson and subject to confirmation by the Green Bay Town Board.
- b. Town Plan Commission members shall consist of not more than one (1) member of the Zoning Board of Appeals; and not more than two (2) members of the Green Bay Town Board. The remaining Plan Commission members shall be additional citizens of the Town of Green Bay.
- c. The term shall be for three (3) years, except that of those first appointed; two (2) shall serve for one (1) year; two (2) for two (2) years; and three (3) for three (3) years.
- d. The Town Plan Commission members shall be removable by the Town Board of Green Bay for cause upon written notice.
- e. Vacancies shall be filled for the unexpected terms of members. The Town Chairperson shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Green Bay.

E. Building Permit

1. Building Permit Required - No person shall alter, in excess of \$2,000.00 value in any twelve- month period, build, add onto or alter any building within the scope of this ordinance without first obtaining a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code, compliant condition as determined by the building inspector is exempted from permit requirements. Re-roofing, finishing of interior and exterior surfaces, installation of cabinetry and nonstructural interior remodeling shall be exempted from permit requirements. All new dwellings will require the installation of drain tile. The moving, raising or wrecking of a building requires a permit.
2. Application for said building permit shall be made from the landowner or his/her authorized agent by contacting the Building Inspector.
3. Each building permit shall be accompanied by a site plan, ~~and~~ or a certified survey map or plat in accordance with requirements as specified in Section XXII, Subsection G, Site Plans.

4. Each building permit applied for shall be granted or denied within a ten (10) day period from the date of application. Reason for denial of a building permit shall be forwarded in writing by the Town Zoning Administrator to the applicant.

F. Certificate of Compliance

1. No vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until a certificate of compliance shall have been issued by the Zoning Administrator. Such certificate shall show that the building or premises or part thereof and the proposed uses thereof are in conformity with the provisions of this ordinance. Such certificate shall be applied for when application is made for a building permit and shall be issued within ten (10) days after the completion of the work specified in such building permit application, but only if the building or premises and the proposed use thereof conform with all the requirements of this ordinance.

G. Site Plans

1. All applicants for building permits for business, residential, and industrial uses shall be accompanied by the following:
 - a. A copy of the plat or certified survey map of the proposed building site.
 - b. A site plan, in duplicate, drawn at a minimum scale of one (1) inch to one hundred (100) feet showing the ground area, height, and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land; and such other information as may be required by the Town Plan Commission and Zoning Administrator for the proper enforcement of this ordinance.

H. Variances

1. **Application.** An application for a variance shall be filed with the Board of Appeals. The application shall contain such information as the Board of Appeals, by rule, may require. Due notice of the hearing shall be given to parties of interest as well as owners of property located within one hundred (100) feet of the property in appeal. The Board shall reach a decision within sixty (60) days from the filing of the appeal.

Notice of the time and place of such public hearing shall be published as provided in the state law on planning and zoning and applicable to the Town of Green Bay.

2. **Standards of Variances.** The Zoning Board of Appeals shall not vary the regulations As set forth in H-1 above unless it shall make findings based upon the evidence presented to it in each specific case.
 - a. Because of the particular physical surrounding, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
 - b. Conditions upon which a petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within

the same zoning classification.

- c. Alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.
- d. Granting of the variation shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- e. Proposed variation shall not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property value within the neighborhood.

I. Amendments

- 1. **Authority.** The Green Bay Town Board may, from time to time in the manner hereafter set forth, amend the regulations imposed in the districts and amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for the intent purpose of said changes as per Section II of this ordinance.
- 2. **Initiation.** Amendments may be proposed by a governmental body, interested person, or organization.
- 3. **Application.** An application for an amendment shall be filed with the Town Plan Commission in such form and accompanied by such information as required by the Town Plan Commission. Said application shall be reviewed and a written recommendation submitted thereon, to the Town Board.
- 4. **Hearing Notices.** The Town Board shall hold a public hearing on each application for an amendment. Time, place, and purpose of the hearing shall be published as provided in the state law on planning and zoning and applicable to the Town of Green Bay. Due notice of the hearing shall be given to parties of interest, as well as owners of property located within one hundred (100) feet of the property in appeal. The Board shall reach a decision within sixty (60) days from the filing of the appeal.

5. Finding and Recommendation.

- a. The Town Plan Commission shall make written findings of fact and shall submit the same, together with its recommendations, to the Town Board prior to the public hearing.
- b. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Town Zoning Board shall make findings based upon the evidence presented to it in each specific case with respect to the following matters.

Existing uses or property within the general area of the property in question. Zoning classification of property within the general area of the property in question. Suitability of the property in question to the uses permitted under the existing zoning classification.

Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.

The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.

The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

6. Town Board Action.

- a. The Town Board shall not act upon a proposed amendment to this ordinance until it shall have received a written report and recommendation from the Town Plan Commission on the proposed amendment.
- b. The Town Board may grant or deny any application for an amendment provided however, that in the event of a written protest against any proposed amendment to this ordinance, be duly signed and acknowledged by the owners of twenty (20) percent or more, either of the areas of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent, extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the unanimous vote of the full Town Board membership.
- c. If an application for a proposed amendment is not acted upon finally by the Town Board within ninety (90) days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

The Town Board shall make a decision on the amendment within sixty (60) days from the filing of the application for rezoning.

J. Conditional Uses

1. **Purpose.** To place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.
2. **Initiation.** Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable; may file an application to use such land for one or more of the conditional uses provided in this ordinance in the zoning district in which the land is located.
3. **Application.** The application for a conditional use shall be filed with the Green Bay Town Plan Commission on a form as prescribed by the Town of Green Bay. The application shall be accompanied by such plans and/or data prescribed by the Town Plan Commission and shall include a statement, in writing, by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts. Such application shall be reviewed by the Town Plan Commission and a written recommendation submitted thereon to the Town Board.

4. **Hearing on Application.** Upon receipt in proper form of the written recommendation referred to in Subsection J., 3., the Town Board shall hold at least one (1) public hearing on the proposed conditional use. Due notice of the hearing shall be given to parties of interest as well as owners of property in appeal. The Board shall reach a decision within sixty (60) days from the filing of the appeal.
5. **Authorization.** For each application for a conditional use, the Town Plan Commission shall report to the Town Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The Board shall make a decision within sixty (60) days from the filing of the conditional use application.
6. **Conditions and Guarantees.** Before issuing a conditional use permit, the Town Plan Commission may recommend and the Town Board shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section J. 5. above. In all cases in which conditional uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

K. Fees

Any application for an amendment or conditional use, filed by or on behalf of the owner or owners of the property affected, shall be accompanied by a fee of three hundred fifty (\$350) dollars. The fee for variances and appeals shall be ~~three~~ four hundred fifty (\$450) dollars. The fee for a culvert shall be fifty (\$50) dollars. All fees shall be paid to the Town ~~Treasurer~~ Zoning Administrator.

Fees by Amendment may change all fees.

Section XXIII. Violations and Penalties

A. Any building or structure hereafter erected, moved, or structurally altered or any use hereafter established in violation of any of the provisions of this ordinance, shall be deemed an unlawful building, structure, or use. The Zoning Administrator shall promptly report all such violations to the Town Board which shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure, or use to be vacated or removed.

Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance may be required, upon conviction, to forfeit not less than ten (\$10) dollars nor more than five hundred (\$500) dollars for each offense, together with the costs of prosecution, and may be imprisoned in the county jail of Brown County until said forfeiture and costs are paid, but not to exceed thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

Section XXIV. Enforcement

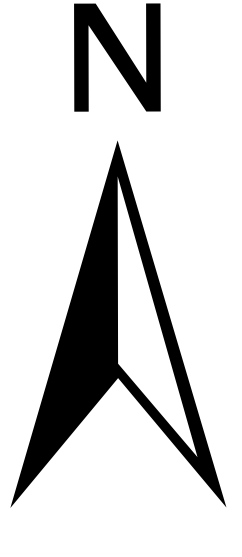
- A. It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance.
- B. No structure of any kind, including buildings, shall hereafter be erected, moved, or structurally altered until a land use permit therefor shall have been applied for and issued.

Zoning Map

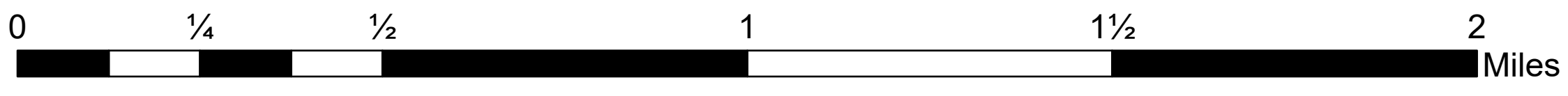
Town of Green Bay

Brown County, Wisconsin

- Zoning Districts**
- A-1 Exclusive Agriculture
 - A-2 General Agriculture
 - B-1 Community Business
 - E-R Estate Residential
 - I-1 General Industrial
 - L-1 Light Industrial
 - M-1 Multi-Family
 - R-2 Residential
 - R-R Rural Residential
 - Champion Area Overlay District
- PLSS Line**
- Section Line
 - Tax Parcel polygons
- Street Centerline**
- Highway (Federal, State, or County)
 - Local Road or Street
 - Sewer Service Area (SSA)
 - Railroad
 - Surface Water
 - Adjacent Counties

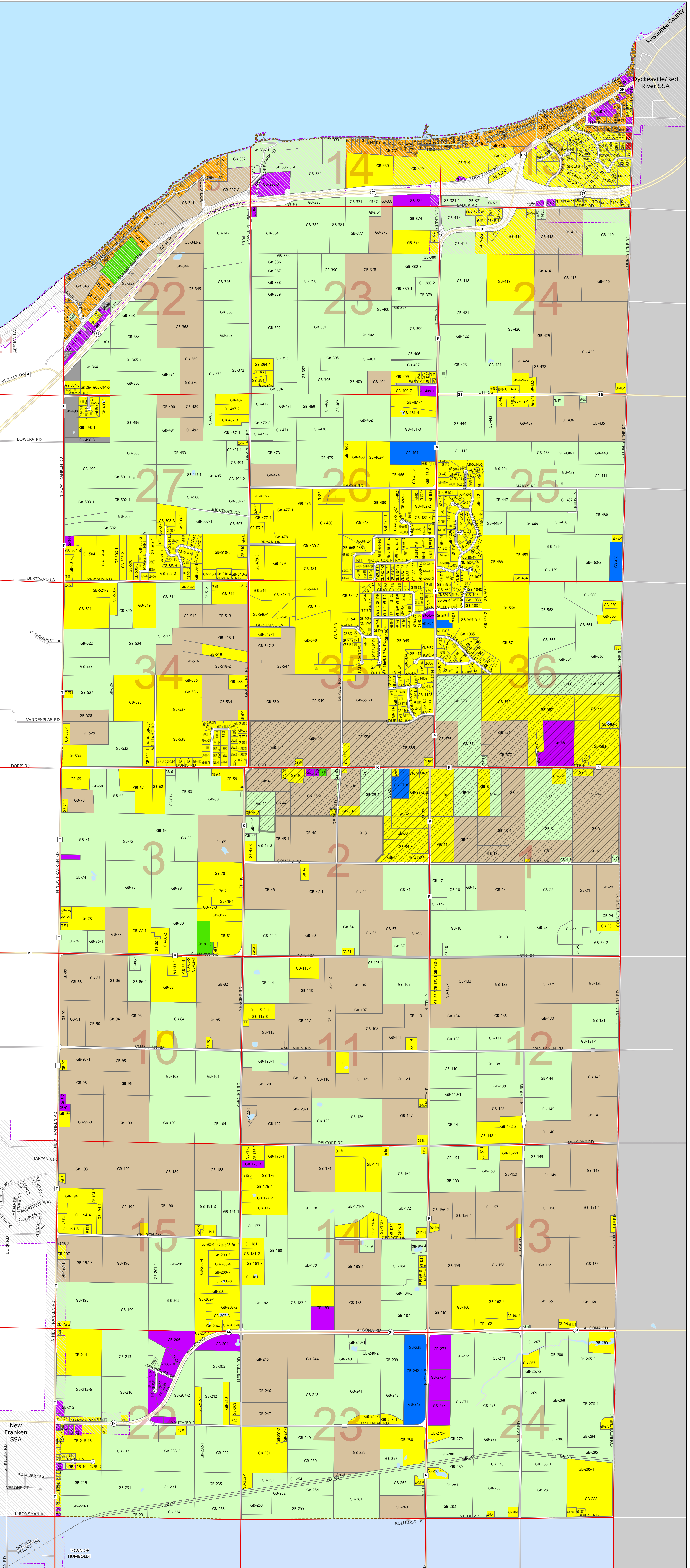
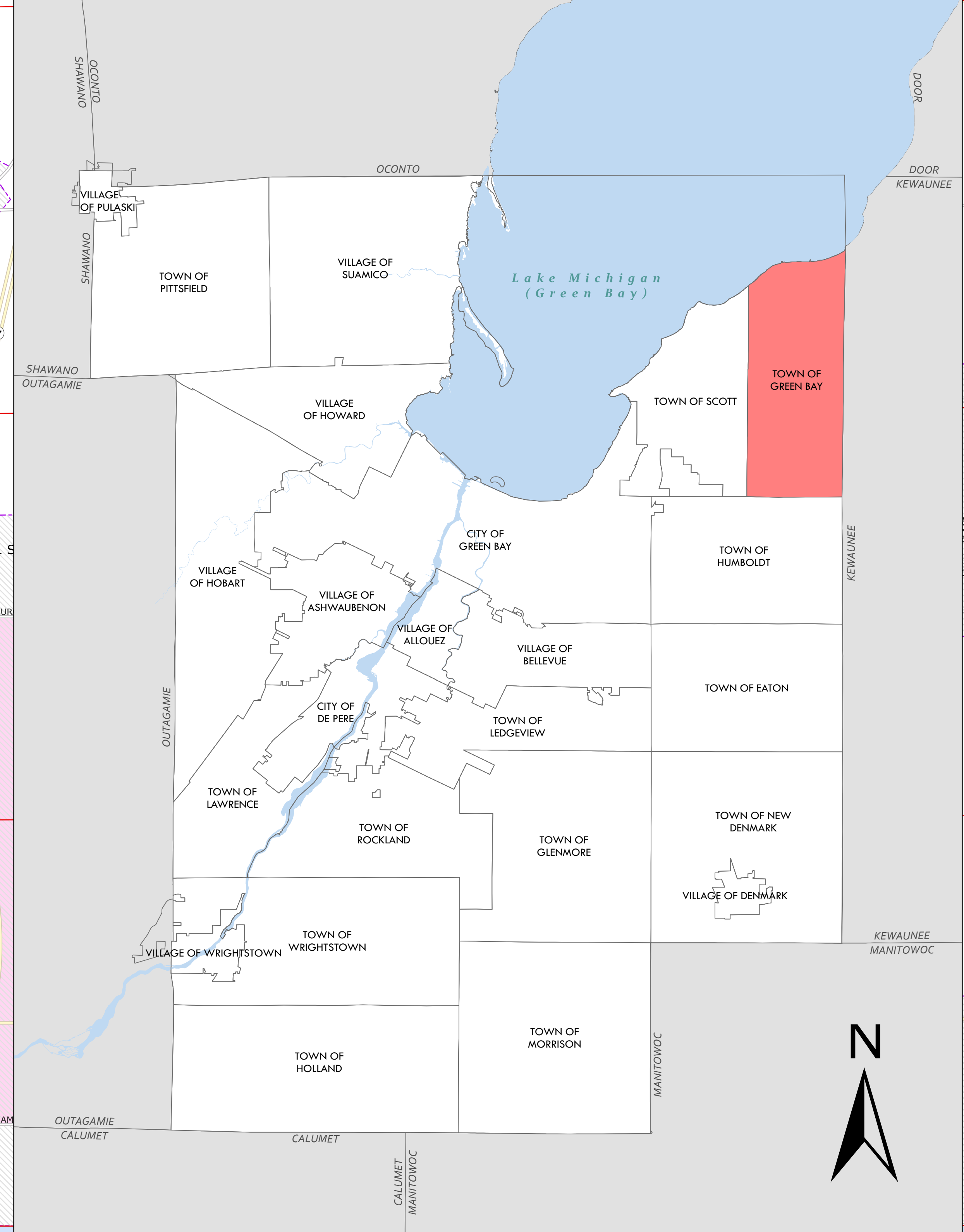


1 inch equals 0.2 miles



Map Updated September 15, 2020

Created by Devin Yoder, Senior Planner
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 Map produced by the Brown County Planning Commission (BCPC)
 Disclaimer: BCPC Staff has produced this document with zoning information provided from the Town of Green Bay and parcel data from Brown County. Information is believed to be accurate and current on the creation date. When there are zoning questions about a specific parcel, please consult with Town staff and leadership to verify the information.

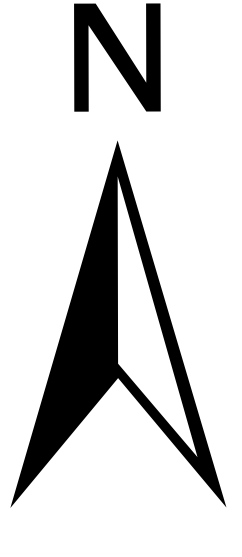


Zoning Map

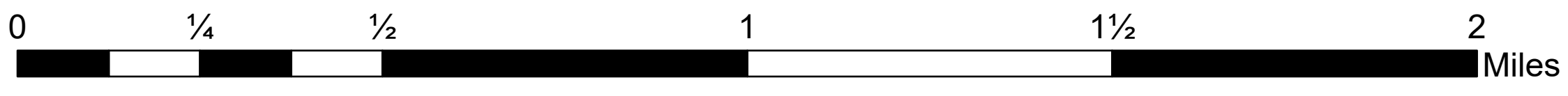
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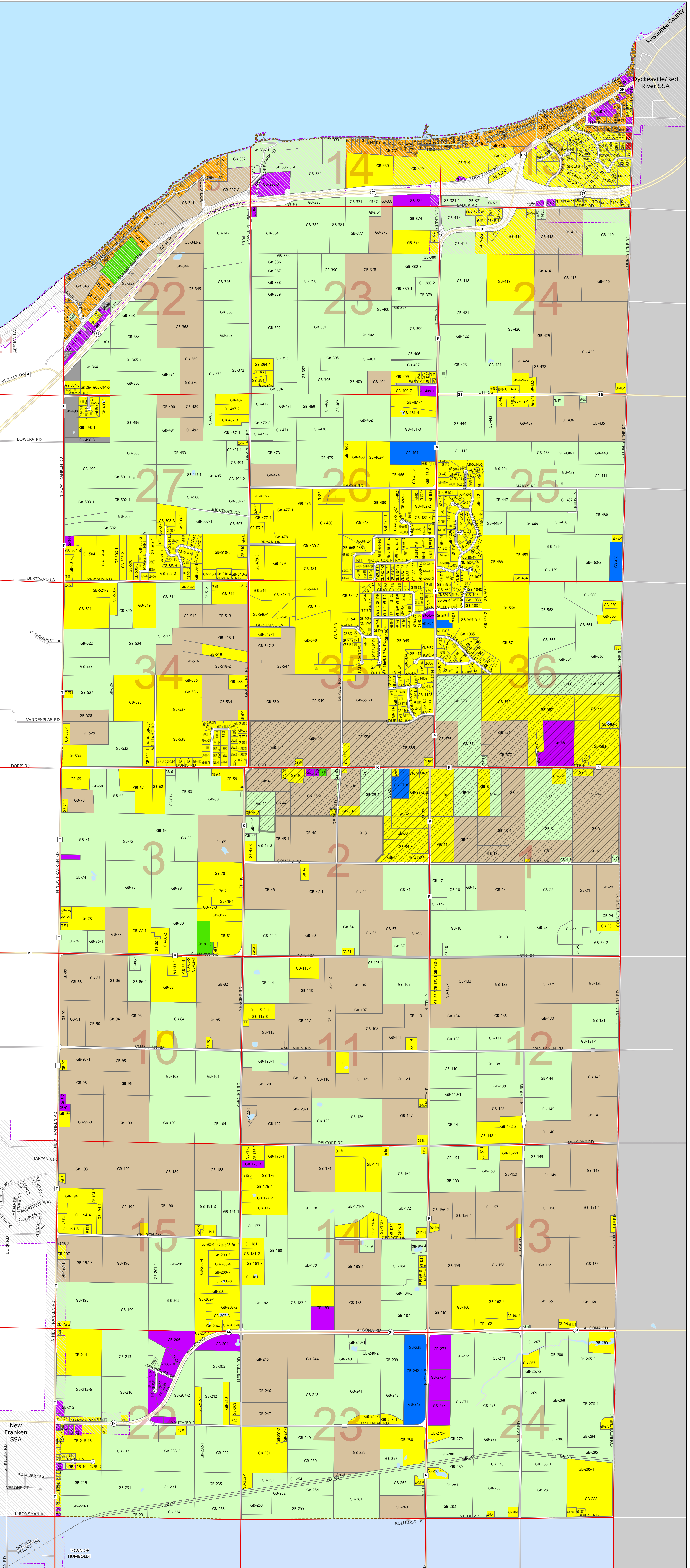
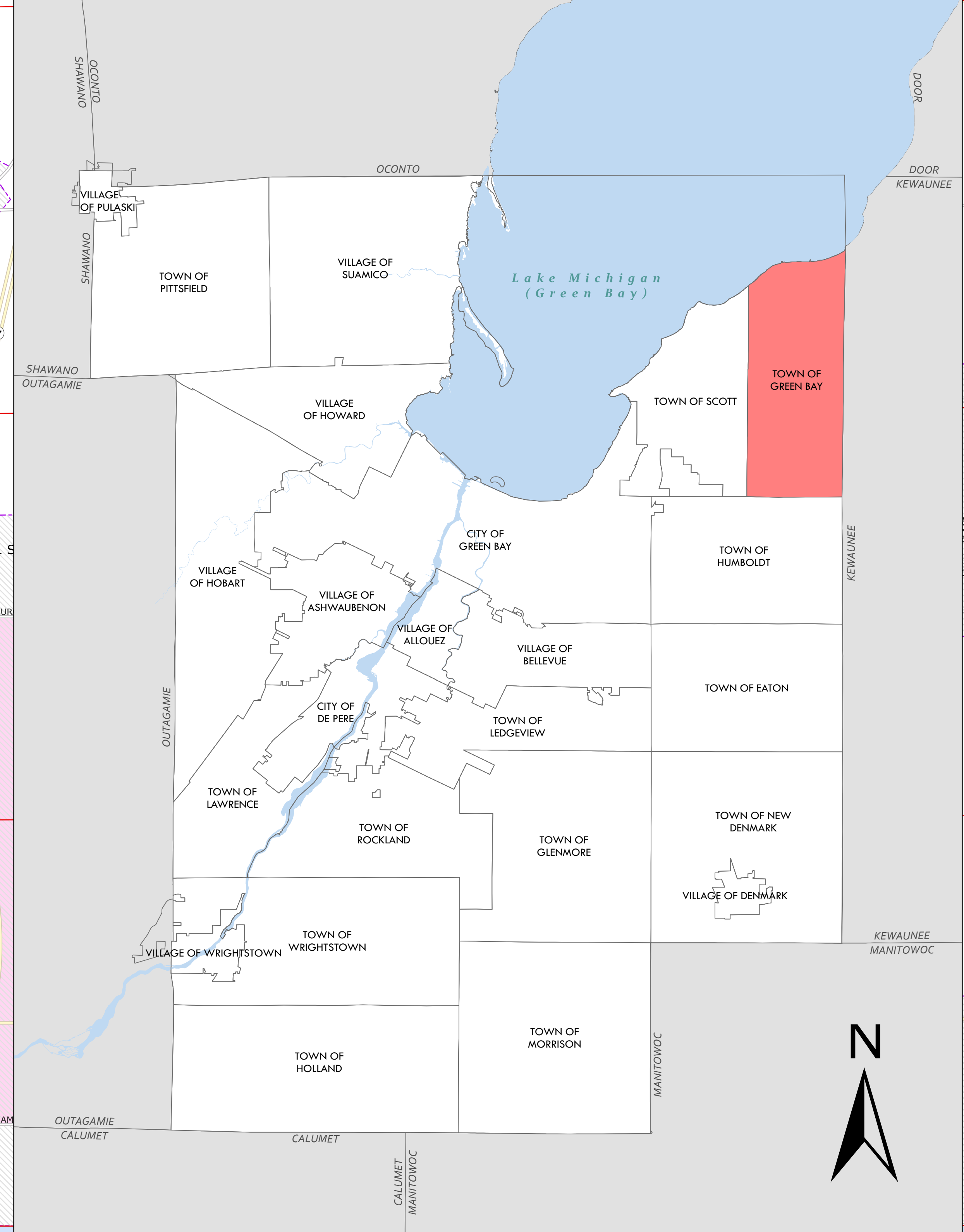


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TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

SHORT-TERM RENTAL LICENSING ORDINANCE

Section 1. Purpose.

The purpose of this ordinance is to ensure that the quality and nature of the short-term rentals operating within the Town of Green Bay are adequate for protecting public health, safety, and general welfare and to protect the character and stability of neighborhoods within the Town.

Section 2. Authority.

The Town Board of the Town of Green Bay has been authorized to exercise village powers pursuant to Wis. Stats. §§ 60.10(2)(c) and 60.22(3). The Town Board adopts this ordinance under its general village powers authority and Wis. Stat. § 66.1014.

Section 3. Definitions.

- (a) “Property Manager” means a person who is not the property owner and who provides property management services for one or more short-term rentals and who is authorized to act as the agent of the property owner for the receipt of service of notice of municipal ordinance violations and for service of process pursuant to this ordinance.
- (b) “Property Owner” means the person who owns the residential dwelling that is being rented.
- (c) “Residential dwelling” means any building, structure, or part of the building or structure that is used or intended to be used as a home residence, or sleeping place by one or more persons maintaining a common household, to the excluding of all others.
- (d) “Short-term rental” means a residential dwelling that is offered for rent for a fee and for few than 29 consecutive days.

Section 4. Short-Term Rental License.

- (a) No person may maintain, manage, or operate a short-term rental more than 10 nights each year without a town short-term rental license issued pursuant to this ordinance.
- (1) All applications for a short-term rental license shall be filed with the town clerk on forms provided. Applications must be filed by the Property Owner. No license shall be issued unless the completed application form is accompanied by the payments of the required application fee.
 - (2) The town clerk shall issue a short-term rental license to all applicants following payment of the required fee, receipt of all information and documentation requested by the application, and town board approval of the application.
 - (3) A short-term rental license shall be effective for one year and may be renewed for additional one-year periods. A renewal application and renewal fee must be filed with the town clerk at least 45 days prior to license expiration so that the town board has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application. An existing license becomes void and a new application is required any time the ownership of a residential dwelling licenses for short-term rental changes.
 - (4) The town board may suspend, revoke, or non-renew a short-term rental license following a due process hearing if the board determines that the licensee: (a) failed to comply with any of the requirements of this ordinance; (b) has been convicted or whose Property Manager or renters have been convicted of engaging in illegal activity while on the short-term rental premises, on 2 or more occasions within the past 12 months, or (c) has outstanding fees, taxes or forfeitures owed to the town in violation of Town Ordinance entitled “Ordinance Requiring Payment of Local Claims As Condition of Obtaining or Renewing Town Issued Licenses.”

Section 5. Operation of a Short-term Rental.

Each short-term rental shall comply with all of the following requirements:

- (a) No residential dwelling may be rented for a period of 6 or fewer days.
- (b) If a residential dwelling is rented for periods of more than 6 but fewer than 29 consecutive days, the total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 180 days, which shall run consecutively.
- (c) The Property Owner or Property manager shall notify the town clerk in writing when the first rental with a 365-day period begins.
- (d) No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
- (e) Any outdoor event held at the short-term rental shall last no longer than one day occurring between the hours of 8:00 a.m. and 10:00 p.m. At minimum, a seven consecutive day interval must occur between outdoor events held at the short-term rental. Any activities occurring at the short-term rental shall comply with other applicable noise regulations.
- (f) A local property management contact (either other Property Owner or an appointed Property Manager) must be on file with the town at all times and must be located within 50 miles of the short-term rental. The Property Owner and/or Property Manager must provide the town with current contact information and must be available 24 hours a day, 7 days a week by telephone. The town must be notified within 24 hours of any change in contact information.
- (g) Each short-term rental shall maintain a register and require all guests to register with their actual names and addresses. The register shall be kept on file for at least one year. The register shall also include the time period for the rental and the monetary amount or consideration paid for the rental.
- (h) Each short-term rental shall hold a valid State of Wisconsin Tourist rooming House License and shall provide proof of such license by attaching a copy to the initial license application and all subsequent renewal applications.

Section 6. Penalties.

- (a) Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$50 nor more than \$500, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.
- (b) Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this ordinance or otherwise.

Section 7. Fees.

Initial Short-Term Rental License Application Fee: \$150; Renewal Short-Term Rental License Application fee: \$150.

Section 8. Severability.

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

Section 9. Effective Date and Publication.

This ordinance shall become effective upon adoption and publication as required under Wis. Stat. § 60.80.

Adopted by a vote of 2 for and 0 against on this 11th day of June, 2019.

TOWN OF GREEN BAY

By: /s/ Town Chair

By: /s/ Debra Mercier, Town Clerk

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

SEX OFFENDER RESIDENCY ORDINANCE

Section 1. Recitals.

The Wisconsin Statutes, including Chapters 940, 944, and 948 thereof, govern the punishment of individuals who commit sex crimes. The Wisconsin Statutes also govern the release into the community of such individuals. The Town is responsible to maintain the public health, safety, and welfare and finds that sex offenders have high recidivism rates that threaten the public health, safety, and welfare, especially that of children.

The Town Board has reviewed findings in several studies related to recidivism and risk related to individuals who have committed sex crimes. Those studies include the following:

- (a) Center for Sex Offender Management Fact Sheet: What You Need to Know About Sex Offenders. This fact sheet provided information about sex offender recidivism, including that it is estimated that one in every five girls and one in every seven boys are sexually abused by the time they reach adulthood; that one in six adult women and one in thirty-three adult men experience an attempted or completed sexual assault; that approximately 67% of all victims of reported sexual assaults are under age 18 and more than half are under age 12; and that about 12-24% of sex offenders will re-offend.
- (b) U.S. Department of Justice, Bureau of Justice Statistics – Recidivism of Sex Offenders Release from Prison in 1994. This study found that compared to non-sex offenders release from state prisons, release sex offenders were four times more likely to be re-arrested for a sex crime.
- (c) Correctional Service Canada – Forum on Corrections Research. This study of 178 sex offenders released from a maximum-security psychiatric facility found that after an average follow-up of 59 months, 27.5% of sex offenders in the study sexually recidivated and 40.4% of the sex offenders were arrested, convicted, or returned to a psychiatric facility for a violent offense.
- (d) California Research Bureau – The Impact of Residency Restrictions on Sex Offenders and Correctional Management: A Literature Review. This study found that at the time it was written twenty-two states had enacted some form of residency restriction that prohibits sex offenders from living within a certain distance of schools, daycare centers, or places where children

congregate. The least restrictive among them was 500 feet, but distances from 1,000 to 2,500 feet were common.

- (e) National Bureau of Economic Research – There Goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan’s Laws. This study found that the majority of both violent and non-violent offenses take place less than one mile from victims’ homes. It also found that prices of homes near sex offenders declined considerably following an offender’s arrival in the neighborhood.
- (f) An Evaluation of Sex Offender Residency Restrictions in Michigan and Missouri. This study found that while in Michigan, residency restrictions led to a slight increase in recidivism, in Missouri, the reconviction rate declined.

Based on the above studies and other information presented to the Town Board, the Board determines that the restrictions set forth in this Ordinance serve the purpose of protecting the public health, safety, and welfare from the risk of recidivism of sex offenders. The Board further determines that the intent and effect of this Ordinance is not to banish sex offenders from residing within the Town, and careful attention has been given to ensure that there are ample locations for sex offenders to reside within the Town in compliance with the requirements of this Ordinance.

The Board further determines that the opportunity for individualized consideration of the risks and benefits of residency restrictions on a case-by-case basis is the best approach to achieve the purposes of this Ordinance and, to that end, this Ordinance establishes an “exemption” process by which a sex offender may seek an exemption from its residency restrictions by petitioning to the Board’s Sex Offender Residence Board.

Section 2. Purpose.

The purpose of this Ordinance is to protect the public health, safety, and welfare in the Town by regulating the residency of sex offenders.

Section 3. Definitions.

- (a) Sex offender. A person who has been convicted of, has been found delinquent of, or has been found not guilty of by reason of disease or mental defect of a sexually violent offense or a crime against children.

- (b) Sexually violent offense. Shall have the meaning set forth in Wis. Stat. § 980.01(6).
- (c) Crime against children. Shall mean any of the following offenses set forth in the Wisconsin Statutes, as amended, or in the laws of this or any other state or the federal government having like elements necessary for conviction, respectively:

Wis. Stat. § 940.225(1) First Degree Sexual Assault.

Wis. Stat. § 940.225(2) Second Degree Sexual Assault.

Wis. Stat. § 940.225(3) third Degree Sexual Assault.

Wis. Stat. § 940.22(2) Sexual Exploitation by Therapist.

Wis. Stat. § 940.30 False Imprisonment – Victim was Minor and Not Offender’s Child

Wis. Stat. § 940.31 Kidnapping – Victim was Minor and Not Offender’s Child

Wis. Stat. § 944.02 Rape (prior statute, now Wis. Stat. § 940.225)

Wis. Stat. § 944.06 Incest.

Wis. Stat. § 944.10 Sexual Intercourse with a Child (prior statute, now Wis. Stat. § 948.02)

Wis. Stat. § 944.11 Indecent Behavior with a Child (prior statute, now Wis. Stat. § 948.02)

Wis. Stat. § 944.12 Enticing Child for Immoral Purposes (prior statute, now Wis. Stat. § 948.07)

Wis. Stat. § 948.02(1) First Degree Sexual Assault of a Child.

Wis. Stat. § 948.02(2) Second Degree Sexual Assault of a Child.

Wis. Stat. § 948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child.

Wis. Stat. § 948.05 Sexual Exploitation of a Child.

Wis. Stat. § 948.055 Causing a Child to View or Listen to Sexual Activity.

Wis. Stat. § 948.06 Incest with a Child.

Wis. Stat. § 948.07 Child Enticement.

Wis. Stat. § 948.075 Use of a Computer to Facilitate a Child Sex Crime.

Wis. Stat. § 948.08 Soliciting a Child for Prostitution.

Wis. Stat. § 948.095 Sexual Assault of a Student by School Instruction Staff.

Wis. Stat. § 948.11(2)(a) or (am) Exposing a Child to Harmful Material.

Wis. Stat. § 948.12 Possession of Child Pornography.

Wis. Stat. § 948.13 Convicted Child Sex Offender Working with Children.

Wis. Stat. § 948.30 Abduction of Another's Child.

Wis. Stat. § 971.17 Not Guilty by Reason of Mental Disease or an Included Offense.

Wis. Stat. § 975.06 Sex Crime Law Enforcement.

- (d) Residence. A place where a person sleeps, abides, lodges, or resides on a permanent or regular basis. For purposes of this definition, a permanent basis means 14 or more consecutive days and a regular basis means 14 or more aggregate days during any calendar year and four or more days in any month. A person may have more than one residence.

Section 4. Residency Restriction.

- (a) Except as otherwise provided in this Ordinance, a Sex Offender may not reside within 2,000 feet of any real property upon which there exists any of the following uses, whether the applicable following use is located within the Town or in another municipality:

- (1) A school for children.
 - (2) A public park, park facility, or pathway.
 - (3) A daycare licensed by the State of Wisconsin.
 - (4) A public library.
 - (5) A public playground.
 - (6) A public athletic field used by children.
 - (7) A residential care center for children.
 - (8) A public swimming pool.
 - (9) A public community center.
- (b) For purposes of this section, distance is to be measured in a straight line from the closest boundary line of the real property upon which the Sex Offender's residence is located to the closest boundary line of the real property of the applicable use.

Section 5. Residency Restriction Exceptions.

A Sex Offender residing within an area otherwise prohibited by Section 4 does not commit an offense if any of the following apply:

- (a) The person is required to serve a sentence at a jail, prison, juvenile facility, or other facility located at the otherwise prohibited location.
- (b) The person had established a residence, as defined Section 3 above, at the location prior to the effective date of this Ordinance.
- (c) The use enumerated in Section 4 was established after the Sex Offender established a residence at the location and registered that residence as required by law.
- (d) The Sex Offender is a minor or ward under guardianship.

Section 6. Safety Zones.

No Sex Offender may enter or be present on any real property upon which there exists any facility used for or which supports the use of:

- (a) A school for children.
- (b) A public park, park facility, or pathway.
- (c) A daycare licensed by the State of Wisconsin.
- (d) A public library.
- (e) A public playground.
- (f) A public athletic field used by children.
- (g) A residential care center for children.
- (h) A public swimming pool.
- (i) A public community center.

Section 7. Safety Zone Exceptions.

A Sex Offender present in an area otherwise prohibited by Section 6 does not commit an offense if any of the following apply:

- (a) The property supporting a use enumerated in Section 6 also supports a church, synagogue, mosque, temple, or other house of religious worship, subject to the following conditions:
 - (1) Entrance and presence on the property may occur only during hours of worship or other religious program or service.
 - (2) The person may not participate in any religious education programs that include individuals under the age of 18.
- (b) The property supporting a use enumerated in Section 6 also supports a use lawfully attended by the Sex Offender's natural or adopted child or children, which child's use reasonably requires the attendance of the Sex Offender,

provided that entrance and presence on the property occurs only during hours of activity related to the use by the child or children.

- (c) The property supporting a use enumerated in Section 6 also supports a polling location in a local, state, or federal election, subject to the following conditions:
 - (1) The Sex Offender is eligible to vote.
 - (2) The polling location is the designated polling location for the Sex Offender.
 - (3) The Sex Offender casts his or her ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.
- (d) The property supporting a use enumerated in Section 6 also supports a school lawfully attended by the Sex Offender as a student, provided that the Sex Offender may only remain on the property at such times that are reasonably required for his or her educational purposes.
- (e) The property supporting a use enumerated in Section 6 also supports a police station, Town hall, or other governmental building, provided that the Sex Offender vacates the property immediately after completing the activity that required his or her presence at the property.

Section 8. Original Residency Restriction.

In addition to the other residency restrictions set forth herein and subject to the limitations in Section 5, no Sex Offender may establish a residence in the Town unless he or she was a resident of Brown County at the time of the most recent offense resulting in the person's most recent conviction, commitment, or placement as a Sex Offender. This limitation shall not apply to the establishment of a residence at a dwelling that is owned by a member of the Sex Offender's family at the time the Sex Offender establishes residence therein. For purposes of this section, a member of a Sex Offender's family means the Sex Offender's mother, father, brother, sister, child, or grandparent.

Section 9. Sale or Rental of Property for Use by Sex Offenders.

No person may sell or rent any place, structure, or part thereof with knowledge that it will be used as a residence by any Sex Offender that is prohibited from establishing residence therein by this Ordinance.

Section 10. Petition for Exemption.

- (a) A Sex Offender may seek an exemption from this Ordinance by petitioning to the Sex Offender Residence Board (“Residence Board”).
- (b) The Residence Board shall consist of three citizens residing in the Town. Members shall be selected by the Town Chairperson subject to the approval of the Town Board. Members shall serve for a term of five years and shall serve no more than two consecutive terms. The terms for the initial members of the Residence Board shall be staggered with one member serving one year, a second member serving three years, and a third member serving five years.
- (c) The Residence Board shall approve an official petition form. The Sex Offender seeking an exemption must complete the petition and submit it to the Town Clerk, who shall forward it to the Residence Board. The Residence Board shall hold a hearing on each petition, during which the Residence Board may review any pertinent information and accept oral or written statements from any person. The Residence Board shall base its decision on factors related to the Town’s interest in promoting, protecting, and improving the health, safety, and welfare of the community. Applicable factors for the Residence Board to consider include, but are not limited to:
 - (1) Nature of the offense that resulted in designated offender status.
 - (2) Date of offense.
 - (3) Age at time of the offense.
 - (4) Recommendation of probation or parole officer.
 - (5) Investigative Report of the Police Department.
 - (6) Recommendation of any treating practitioner.

- (7) Counseling, treatment and rehabilitation status of the Sex Offender.
- (8) Remorse of Sex Offender.
- (9) Duration of time since Sex Offender's incarceration.
- (10) Support network of Sex Offender.
- (11) Relationship of offender and victim(s).
- (12) Presence or use of force in offense(s).
- (13) Adherence to terms of probation or parole.
- (14) Proposals for safety assurance of Sex Offender.
- (15) Conditions to be placed on the exemption.

(d) The Residence board shall decide by majority vote whether to grant or deny an exemption. An exemption may be unconditional or limited to a certain address, time, or subject to other reasonable conditions. The Residence Board's decision shall be final for purposes of any appeal. A written copy of the decision shall be provided to the Sex Offender and the Police Department.

Section 10. Enforcement.

A person violating this Ordinance shall be subject to forfeitures in an amount of not less than \$200.00 nor more than \$500.00 for each violation plus the costs of prosecution (including reasonable attorneys' fees). For purposes of calculating forfeitures, each day that a violation exists shall constitute a separate offense. Violations of this Ordinance are also deemed public nuisances, and the Town may bring an action in circuit court to enjoin or abate any violation.

Dated this 8th day of December, 2020.

TOWN OF GREEN BAY

By: /s/ Cary Dequaine
Cary Dequaine, Town Chairperson

Attest: /s/ *Debbie Mercier*
Debbie Mercier, Town Clerk

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

ADULT-ORIENTED ESTABLISHMENTS ORDINANCE

IT IS HEREBY ORDAINED by the Town Board of the Town of Green Bay, Brown County, Wisconsin as follows:

Section 1. Findings and Purpose.

Several studies have documented the significant adverse secondary effects on surrounding communities caused by adult-oriented establishments. The Town Board has considered the following studies:

- (a) *Crime-Related Secondary Effects of Sexually-Oriented Businesses* by Richard McCleary finding that criminal activity is higher near adult-oriented establishments.
- (b) Report by Beaumont, Texas City Planning Department finding that criminal activity is higher at adult-oriented establishments.
- (c) Report by Cleveland, Ohio Police Department showing higher rates of crime in areas near adult-oriented establishments.
- (d) Report by Los Angeles, California Department of City Planning concluding that crime rates are higher in areas of concentrated adult-oriented establishments.
- (e) Report by City of Toledo, Ohio finding that adult-oriented establishments account for a disproportionate amount of crime, particularly adult-oriented establishments featuring live entertainment.
- (f) Report by City of Austin, Texas finding that crime rates are higher where adult-oriented businesses are concentrated.
- (g) Report by Tucson, Arizona Police Department Investigative Services detailing the widespread presence of bodily fluids present in adult-oriented establishment viewing booths.

- (h) *Effects of Adult Entertainment Businesses on Residential Neighborhoods* prepared by the El Paso Department of Planning Research & Development showing increased sexual dangers for children, pornography in the schools, exposure of minors to adult entertainment, declining property values, and public drunkenness associated with adult-oriented establishments.
- (i) Letter from Thomas O'Loughlin, Chief of Milford Massachusetts Police, indicating the increased rates of crime when adult-oriented establishments locate near businesses serving alcohol.
- (j) *Do "Off-Site" Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory, and Empirical Evidence* by Richard McCleary and Alan Weinstein concluding that adult-oriented establishments that sell products solely for off-site use cause significant crime-related secondary effects.
- (k) *Study of Calls for Service to Adult Entertainment Establishments which Serve Alcoholic Beverages* by Fulton County Georgia Police Department explaining the increased risk of crime when adult-oriented establishments are permitted to serve alcoholic beverages.
- (l) *Rural Hot Spots: The Case of Adult Businesses* by Richard McCleary explaining that although most studies regarding adult-oriented establishments are conducted in urban settings, the results can be translated to rural areas.
- (m) *Secondary Effects of Sexually-Oriented Businesses*, Testimony on Missouri House Bill 1551 by Richard McCleary, explaining that limiting hours of operation for adult-oriented establishments reduces ambient crime risk.

The Town Board recognizes these negative secondary effects and also recognizes that the presence of alcohol in adult-oriented establishments causes further undesirable behavior.

The Town Board believes that the experiences and studies of other communities set forth above are relevant in addressing the secondary effects of adult-oriented establishments in the Town of Green Bay.

The regulations in this Ordinance are not aimed at the content of any speech. Rather, this Ordinance has the purpose and effect of controlling the negative secondary effects of adult-oriented establishments while avoiding regulation of content.

This Ordinance is not intended to prohibit adult-oriented establishments from operating in the Town of Green Bay. It is only intended to regulate their location and manner of operation while providing a reasonable opportunity for such establishments to exist. This Ordinance is also intended to regulate the proximity of adult-oriented establishments to certain sensitive land uses.

The Town Board concludes:

- (a) All adult-oriented establishments regulated by this Ordinance have adverse secondary impacts.
- (b) The adverse secondary impacts of adult-oriented establishments tend to diminish if such establishments are governed by content-neutral regulations.
- (c) The consumption of alcoholic beverages on the premises of an adult-oriented establishment exacerbates the negative secondary effects of such establishments.

Section 2. Definitions.

- (a) “Adult-oriented establishment” shall include, but is not limited to, “adult bookstores,” “adult motion picture theatres,” “adult mini-motion picture establishments” or “adult cabarets,” and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated, or maintained for profit, direct or indirect. “Adult-oriented establishment” also includes the physical location from which adult entertainment is broadcast.
- (b) “Adult bookstore” means a retail establishment that has:
 - (1) As a substantial or significant portion of its business the sale or rental of, or a substantial or significant portion of its stock in trade for sale or rental of:
 - (i) Publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined in this section; and/or

- (ii) Sexually-oriented devices, as defined in this section
- (2) As used in this definition, publications include, by way of illustration, books, magazines, other periodicals, movies, videotapes, DVDs, and other products offered in photographic, electronic, magnetic, digital, or other imaging medium.
- (3) Any of the following shall be indicia that an establishment has as one of its principal business purposes the sale or rental of: (1) publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, and/or (2) sexually-oriented devices, as defined in this section:
 - (i) The business advertises the sale or rental of adult publications including but not limited to “x-rated” movies and/or sexually-oriented devices;
 - (ii) Access by persons under eighteen (18) years of age to the business establishment or portions of the business establishment is restricted;
 - (iii) Signs or notices are posted outside and/or inside the business establishment indicating that the material offered for sale or rental might be offensive;
 - (iv) The building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental
 - (v) The above factors shall be considered along with all other factors and available information
- (4) Notwithstanding the foregoing, a general circulation video store that does not offer for sale any sexually-oriented devices shall not constitute an “adult bookstore” even though it offers for sale and/or rental videotapes or DVDs which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified

anatomical areas or specified sexual activities, as defined in this section, so long as:

- (i) Such described videotapes or DVDs are stocked and displayed in a room separate from the area of the business establishment where general circulation videotapes or DVDs are stocked and displayed;
 - (ii) Access by persons under eighteen (18) years of age to the room where such described videotapes or DVDs are stocked and displayed is restricted;
 - (iii) The square footage of the separate room where such described videotapes or DVDs are stocked and displayed is no more than ten (10) percent of the square footage of the area where general circulation videotapes or DVDs are stocked and displayed; and
 - (iv) The general circulation videotapes or DVDs portion of the business establishment offers a quantity and selection of new release general circulation videotapes or DVDs that is typical of a general circulation video store and offers a quantity and selection of other general circulation videotapes or DVDs that are organized and displayed in a manner that is typical of a general circulation video store.
- (c) “Adult cabaret” means an establishment that regularly features dancers or other entertainers who provide live adult entertainment, including but not limited to floor shows, exotic dancing, male or female impersonators, or similar entertainment and engage in a private performance, act as private models, display or expose any specified anatomical area(s) to a patron or customer, or wear or display to a customer any covering, tape, pastie, or other device which simulates or gives the appearance of the display or exposure of any specified anatomical area.
- (d) “Adult entertainment” means any exhibition of any motion picture, live performance, display or dance of any type, which is distinguished or characterized by an emphasis on any actual or simulated performance of “specified sexual activities” or exhibition and viewing of “specified anatomical areas,” as defined below, appearing unclothed, or the removal of articles of clothing to reveal “specified anatomical areas.”

- (e) “Adult mini-motion picture theater” means a commercial establishment with one or more adult mini motion picture booths where:
- (1) A substantial or significant portion of business is the presentation and viewing in viewing booths of still or motion pictures that are distinguished or characterized by their emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined below, for observation by patrons therein; or
 - (2) A substantial or significant portion of the stock of still or motion pictures available for viewing or that are actually viewed in the viewing booths are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined below.
 - (3) Any of the following shall be indicia that a business establishment has as one of its principal business purposes the presentation and viewing in viewing booths still or motion pictures which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined below:
 - (i) Restricted access to the business establishment or portions thereof where viewing booths are located by persons under eighteen (18) years of age
 - (ii) Posted signs or notices outside and/or inside the business establishment indicating that the material offered for presentation and viewing in the viewing booths might be offensive
 - (iii) the above factors shall be considered along with other available information
- (f) “Adult motion picture theatre” means an enclosed building in which a substantial or significant portion of business involves presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.

- (g) “Sexually-oriented device” means any three (3) dimensional object designed and marketed for stimulation of the male or female human genitals, anus, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.
- (h) “Specified anatomical areas” means:
 - (1) Less than completely and opaquely covered:
 - (i) Human genitals, pubic region; or
 - (ii) Showing the areola or nipple of a female breast.
 - (2) Human male genitals in a discernible turgid state, even if opaquely covered
- (i) “Specified sexual activities” means simulated or actual:
 - (1) Showing of human genitals in a state of sexual stimulation or arousal;
 - (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus;
 - (3) Fondling or erotic touching of human genitals, public region, or areola or nipple of a female breast;
 - (4) Excretory functions, as part of or in connection with any of the activities set forth in subsections 1 through 3 above

Section 3. License.

- (a) Except as provided in subsection (e) below, from and after the effective date of this ordinance, no adult-oriented establishment shall be operated or maintained in the Town of Green Bay without first obtaining a license to operate issued by the Town Board.
- (b) A license may be issued for only one (1) adult-oriented establishment located at a fixed and certain place per application filed. Any person, partnership or corporation that desires to operate more than one adult-oriented establishment must have a license for each.

- (c) No license or interest in a license may be transferred to any person, partnership, or corporation.
- (d) It shall be unlawful for any entertainer, employee or operator to knowingly work in or to knowingly perform any service directly related to the operation of any adult-oriented establishment which does not have a valid license pursuant to this ordinance.
- (e) Nothing in this ordinance shall be construed as to permit material or performances prohibited by Wis. Stat. § 944.21.

Section 4. Application for License.

- (a) Any person, partnership, or corporation desiring to secure a license shall make application to the Town Board.
- (b) An applicant for a license, interested directly in the ownership or operation of the business, shall furnish the following information under oath:
 - (1) The name (including all aliases) and date of birth of the applicant and any partner or limited partner in a partnership applicant; and any shareholder holding more than ten (10%) percent of the stock of a corporate applicant and each corporate officer and director.
 - (2) Written proof that any person required to be named under paragraph (b)(1) is at least eighteen (18) years of age
 - (3) A description of the activities to be conducted on the premises. If any booth, room or cubicle for private viewing of any adult entertainment is intended, a sketch or other adequate description of the premises is required.
 - (4) The address of the adult-oriented establishment to be operated by the applicant.
 - (5) Whether any person required to be named under paragraph (b)(1) is currently operating, or has previously operated, in this or any other County, City, or State under an adult-oriented establishment license or similar business license or permit; whether the applicant has ever had such a license revoked or suspended, the reason therefor, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.

- (6) If the applicant is a corporation, the application shall also specify the name of the corporation, the date and state of incorporation, and the name and address of the registered agent.
- (c) Within 45 days of receiving an application for a license, the Town Board shall notify the applicant whether the application has been denied or granted.
- (d) Whenever an application is denied, the Town Board shall advise the applicant in writing of the reasons for such action. The applicant may request a review of the denial pursuant to Chapter 68 of the Wisconsin Statutes, as amended from time to time.
- (e) Failure or refusal of the applicant to give any information relevant to the investigation of the application or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or the applicant's refusal to submit to or cooperate with any investigation required by this ordinance shall be grounds for denial of the application.

Section 5. Standards for Issuance of License.

- (a) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:
 - (1) If the applicant is an individual:
 - (i) The applicant shall be at least eighteen (18) years of age
 - (ii) The applicant shall not have been found to have previously violated this ordinance or any similar adult-oriented establishment ordinance within five (5) years immediately preceding the date of application
 - (iii) The applicant shall not have been convicted of any offense involving moral turpitude, prostitution, obscenity, or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of application, unless the person has been duly pardoned.
 - (2) If the applicant is a corporation:

- (i) All officers, directors, shareholders, and agents required to be named under this ordinance are at least eighteen (18) years of age.
 - (ii) Neither the corporate applicant nor any officer, director, or shareholder required to be named under this ordinance shall have been found to have previously violated this ordinance or any similar adult-oriented establishment ordinance within five (5) years immediately preceding the date of application.
 - (iii) No officer, director, shareholder or agent required to be named under this ordinance, or the corporate applicant, shall have been convicted of any offense involving moral turpitude, prostitution, obscenity, or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of the application, unless the person or applicant has been duly pardoned.
- (3) If the applicant is a partnership, joint venture, or any other type of organization where two (2) or more persons have a financial interest:
- (i) All persons having a financial interest in the partnership, joint venture, or other type of organization shall be at least eighteen (18) years of age.
 - (ii) Neither the applicant nor any person having a financial interest in the organization shall have been found to have violated any provision of this ordinance or any similar adult-oriented establishment ordinance within five (5) years immediately preceding the date of application.
 - (iii) No applicant or person having a financial interest in the partnership, joint venture, or other type of organization shall have been convicted of any offense involving moral turpitude, prostitution, obscenity, or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of application, unless the person or applicant has been duly pardoned.

Section 6. Fees.

A license fee shall be submitted with the application for the license in the amount specified by resolution.

Section 7. Display of License.

The license shall be displayed in a conspicuous, public place in the adult-oriented establishment

Section 8. Renewal of License.

- (a) Every license issued pursuant to this ordinance will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Town Board. The application for renewal shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.
- (b) A license renewal fee in the amount specified by resolution shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty in an amount specified by resolution shall be assessed against the applicant who files for a renewal less than forty-five (45) days before the license expires.
- (c) If any law enforcement agency is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Town Board.

Section 9. Revocation, Suspension, and Non-Renewal of License.

- (a) A license issued under this ordinance may be suspended or revoked for any of the following reasons:
 - (1) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application
 - (2) The operator, entertainer, or any employee of the operator, violates any provision of this ordinance or any rule or regulation adopted by the Town Board pursuant to this ordinance; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee or customer, the penalty shall not exceed a suspension of thirty (30) days if the Town Board shall find that the operator had no actual or constructive knowledge of such violation and could not by

the exercise of due diligence have had such actual or constructive knowledge.

- (3) The operator becomes ineligible to obtain a license
 - (4) Any cost of fee required to be paid by this ordinance is not paid
 - (5) Any intoxicating liquor or fermented malt beverage, narcotic or controlled substance is served or consumed on the premises of the adult-oriented establishment
 - (6) Any operator, employee or entertainer sells, furnishes, gives, or displays, or causes to be sold, furnished, given, or displayed to any minor any adult-oriented entertainment or adult-oriented material.
- (b) The transfer of a license or any interest in a license shall automatically and immediately revoke the license
- (c) Any operator whose license is revoked and who seeks to obtain a new license under this ordinance must apply for a license or permit according to the new license application provisions set forth in this ordinance and must meet the standards for the issuance of a new license as set forth in this ordinance. No location or premises for which a license has been revoked shall be used as an adult-oriented establishment for six (6) months from the date of revocation.

Section 10. Location.

- (a) No adult-oriented establishment shall be located:
- (1) Within 1000 feet of a residence.
 - (2) Within 500 feet of an existing adult-oriented establishment.
 - (3) Within 1000 feet of any pre-existing school, church, or day care center.
 - (4) Within 500 feet of any pre-existing establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor.
- (b) For purposes of this section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult-oriented establishment, to the nearest property line of another adult-oriented establishment, school, place of worship, or residential district or

establishment selling or dispensing fermented malt beverages or intoxicating liquor.

Section 11. Hours of Operation.

No adult-oriented establishment shall be open between the hours of 2 a.m. and 8 a.m., Monday through Friday, or between the hours of 2:30 a.m. and 8 a.m. on Saturdays and Sundays

Section 12. Physical Layout of Adult-Oriented Establishment.

- (a) Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment and shall be unobstructed by any door, lock, or other control-type devices. Each booth, room, or cubicle shall be viewable from the public area of the adult-oriented establishment.
- (b) Every booth, room, or cubicle shall meet the following construction requirements:
 - (1) Each booth, room, or cubicle shall be separated from adjacent booths, rooms or cubicles and any non-public areas by a wall
 - (2) Each booth, room, or cubicle shall have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the booth, room, or cubicle
 - (3) All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet and be light colored, non-absorbent, smooth textured, and easily cleanable
 - (4) The floor must be light colored, non-absorbent, smooth textured, and easily cleanable
 - (5) The lighting level of each booth, room, or cubicle shall be a minimum of ten (10) foot candles at all times, as measured from the floor
- (c) Only one individual shall occupy a booth, room, or cubicle at any time. No occupant of a booth, room, or cubicle shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth, room, or cubicle. No individual shall damage or deface any portion of the booth, room, or cubicle.

Section 13. Alcoholic Beverages.

The sale, use, or consumption of any alcoholic beverages, fermented malt beverages, or intoxicating liquors on the premises of an adult-oriented establishment is prohibited.

Section 14. Responsibilities of the Operator.

- (a) If an employee commits an act or omission constituting a violation of this chapter, either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission. Any such act shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended, or renewed.
- (b) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment.
- (c) The operator shall maintain the premises in a clean and sanitary manner at all times.
- (d) The operator shall maintain at least ten (10) foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room, or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one (1) foot candle of illumination in said aisles, as measured from the floor.
- (e) The operator shall insure compliance of the establishment and its patrons with the provisions of this ordinance.

Section 15. Administrative Procedure and Review.

Chapter 68 of the Wisconsin Statutes, as amended from time to time, shall govern the review regarding the granting, denial, renewal, non-renewal, revocation, or suspension of a license under this chapter. If an owner appeals the non-renewal, revocation, or suspension of a license, that owner will be granted a temporary license applicable while the appeal is pending.

Section 16. Exclusions.

- (a) All public and private schools, as defined in Chapter 115 of the Wisconsin Statutes, are exempt from obtaining a license hereunder when instructing pupils in sex education as part of the curriculum.
- (b) Licensed medical care facilities are exempt from obtaining a permit when engaged in the providing of medical care or sex education

Section 17. Penalties and Prosecution.

- (a) Any person, partnership, or corporation found to have violated this chapter shall have any license obtained hereunder revoked.
- (b) In addition to the revocation of a permit issued under this ordinance, any person who shall violate any provision of this ordinance or who shall fail to obtain a permit as required hereunder shall upon conviction of such violation, be subject to a penalty of a civil forfeiture of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars, together with the costs of prosecution. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance.

Section 18. Severability.

If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of this ordinance.

Section 19. Enforcement.

Personnel of the Brown County Sheriff's Department shall have the authority to enter any adult-oriented establishment to inspect the premises and enforce this ordinance. Such inspections shall be limited to public areas and may only be conducted during business hours.

Section 20. Discontinuation of Operation.

Any discontinuation in the operation of an adult-oriented establishment for a period of twelve (12) months or more shall cause the license to lapse and become void. A license holder whose license has lapsed in this manner shall thereafter be subject to the procedures applicable to the issuance of new licenses.

Section 21. Effective Date.

This ordinance shall take effect and be in force upon its passage and publication as required by law.

Adopted this 8th day of December, 2020.

TOWN OF GREEN BAY

By: */s/ Cary Dequaine*

Cary Dequaine, Town Board Chairperson

Attest:

/s/ Debbie Mercier

Debbie Mercier, Town Clerk

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

OUTDOOR FURNACES ORDINANCE

Section 1. Purpose.

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Green Bay due to the air pollution and fire hazards of outdoor furnaces.

Section 2. Applicability.

This ordinance applies to all outdoor furnaces within the Town of Green Bay.

- (a) This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- (b) This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined Section 4 of this ordinance.
- (c) This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

Section 3. Severability.

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 4. Definitions.

- (a) “Confidential papers” means printed material containing personal identification or financial information that the owner wishes to destroy.
- (b) “Outdoor Burning” means open burning or burning in an outdoor furnace.

- (c) “Outdoor Furnace” means a furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.
- (d) “Refuse” means any waste material except clean wood.
- (e) “Clean Wood” means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

Section 5. Materials That May Not Be Burned.

State administrative rules prohibit indoor or outdoor burning of the materials listed in subsections (a)-(g), with certain limited exceptions that require air pollution controls and a written approval from the Department of Natural Resources. The Town of Green Bay does not have discretion to allow burning of materials prohibited by state law.

Materials that may not be burned in an outdoor furnace:

- (a) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
- (b) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
- (c) Asphalt and products containing asphalt.
- (d) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- (e) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- (f) Rubber including tires and synthetic rubber-like products.

- (g) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in Section 7 of this ordinance.

Section 6. Outdoor Furnaces.

An outdoor furnace may be installed and used in the Town of Green Bay only in accordance with the following provisions:

- (a) The outdoor furnace shall be installed and used only in an area zoned for agricultural or Estate Residential use.
- (b) The outdoor furnace shall not be used to burn any of the prohibited materials listed in Section 5 of this ordinance.
- (c) The outdoor furnace shall be located at least 500 feet from the nearest building which is not on the same property as the outdoor wood-fired furnace.
- (d) The outdoor furnace shall have a chimney that extends at least 15 feet above the ground.

Section 7. Exemption for Burning Certain Papers.

The following are exempted from the burning prohibitions described herein:

- (a) Notwithstanding Subsection 5(g) of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.
- (b) Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.
- (c) Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.
- (d) A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 5(a)-(g) of this ordinance.

Section 8. Liability.

A person utilizing or maintaining an outdoor furnace shall be responsible for all costs and any other liability resulting from damage caused by the outdoor furnace.

Section 9. Right of Entry and Inspection.

Right of entry and inspection. Any authorized officer, agent, employee or representative of the Town of Green Bay, who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. Note: If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Wis. Stats. §§ 66.0119 and 755.045(2).

Section 10. Enforcement and Penalties.

- (a) The Constable of the Town of Green Bay and the Zoning Administrator for the Town of Green Bay are authorized to enforce the provisions of this ordinance.
- (b) The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than \$100 or more than \$250 plus the costs of prosecution. Penalties are doubled for second and subsequent offenses.

This ordinance shall become effective upon adoption and required posting.

The foregoing Ordinance was duly adopted by the Town Board of the Town of Green Bay at a duly noticed Town Board meeting held on June 10, 2008 by a vote of 3 in favor and 0 opposed.

TOWN OF GREEN BAY

By: /s/ Lee DeChamps, Chairman

By: /s/ Cary Dequaine, Supervisor

By: /s/ Dianne Jacobs, Supervisor

Approved, Attested By:

/s/ Debbie Mercier, Town Clerk

Date of approval: 6/10/08

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

**ORDINANCE REGULATING THE USE OF
WIND ENERGY SYSTEMS**

The Town Board of the Town of Green Bay, Brown County, Wisconsin, does ordain as follows:

Section 1: Purpose.

The purpose of this Ordinance is to provide a regulatory scheme for the construction and operation of Wind Energy Systems in the Town of Green Bay, Brown County, Wisconsin. This Ordinance is adopted pursuant to Wis. Stat. § 66.0401 and PSC 128 and pursuant to the Town's general police powers. All regulations contained herein are adopted to preserve and protect the public health and safety.

Section 2: Definitions.

- (a) "Wind Energy System" has the meaning given in Wis. Stat. § 66.0403(1)(m) and is used to convert wind energy to electrical energy. "Wind Energy System" includes Small Wind Energy Systems.
- (b) "Small Wind Energy System" means a Wind Energy System that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.
- (c) Other Definitions: The remaining definitions set forth in PSC 128.01 are incorporated by reference as though fully set forth herein.

Section 3: Permit Required.

No Wind Energy System may be installed, constructed or expanded in the Town without a Wind Energy System Permit granted pursuant to this Ordinance.

Section 4: Application.

Every application for a wind Energy System Permit shall be made in writing accompanied by the fees required by this Ordinance and shall include the following information:

- (a) Wind Energy System description and maps showing the locations of all proposed wind energy facilities.

- (b) Technical description of wind turbines and wind turbine sites.
- (c) Timeline and process for constructing the Wind Energy System.
- (d) Information regarding anticipated impact of the Wind Energy System on local infrastructure.
- (e) Information regarding noise anticipated to be attributable to the Wind Energy System.
- (f) Information regarding shadow flicker anticipated to be attributable to the Wind Energy System.
- (g) Information regarding the anticipated effects of the Wind Energy System on existing land uses within 0.5 mile of the Wind Energy System.
- (h) Information regarding the anticipated effects of the Wind Energy System on airports and air space.
- (i) Information regarding the anticipated effects of the Wind Energy System on line-of-sight communications.
- (j) A list of all state and federal permits required to construct and operate the Wind Energy System.
- (k) Information regarding the planned use and modification of roads within the Town during the construction, operation, and decommissioning of the Wind Energy System, including a process for assessing road damage caused by Wind Energy System activities and for conducting road repairs at the owner's expense.
- (l) A copy of all emergency plans developed in collaboration with appropriate first responders under PSC 128.18(4)(b). An owner may file plans using confidential filing procedures as necessary.
- (m) A decommissioning and site restoration plan providing reasonable assurances that the owner will be able to comply with PSC 128.19.
- (n) A representative copy of all notices issued under Section 7 and PSC 128.105(1)(a) and 128.42(1).
- (o) Any other information necessary to understand the construction, operation or decommissioning of the proposed Wind Energy System.

Section 5: Accuracy of Information.

The owner shall certify that the information contained in an application is accurate. The Town may reject or deny the application if it contains false, misleading, or inaccurate information.

Section 6: Duplicate Copies.

The applicant shall file an original and three copies of the application with the Town. One copy shall be an electronic copy. Each copy shall include, but is not limited to, all worksheets, maps, and other attachments included in the application.

Section 7: Notice to Property Owners and Residents.

- (a) On the same day an owner files an application for a Wind Energy System, the owner shall, under Wis. Stat. § 66.0401(4)(a)3, use commercially reasonable methods to provide written notice of the filing of the application to property owners and residents located within one mile of the proposed location of any Wind Energy System facility. At the same time, a copy shall be provided to the Town. The notification shall include all of the following:
 - (1) A complete description of the Wind Energy System, including the number and size of the wind turbines.
 - (2) A map showing the locations of all proposed Wind Energy System facilities.
 - (3) The proposed timeline for construction and operation of the Wind Energy System.
 - (4) Locations where the application is available for public review.
 - (5) Owner contact information.
- (b) After the Town receives an application for a Wind Energy System, the Town shall publish the notice required by Wis. Stat. § 66.0401(4)(a)(1), which shall include a brief description of the proposed Wind Energy System and its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments to the Town, and the approximate schedule for review of the application by the Town.

Section 8: Public Participation.

- (a) The Town shall make a copy of an application for a Wind Energy System available for public review at a local library and at the Town Hall and the Town website.
- (b) The Town shall accept written public comments on an application for a Wind Energy System filed with the Town Clerk and shall make them part of the record at the public hearing held pursuant to subsection (c).
- (c) The Town shall hold at least one public meeting to obtain comments on and to inform the public about a proposed Wind Energy System.

Section 9: Joint Application Review Process.

If a Wind Energy System is proposed to be located in the Town and at least one other municipality with jurisdiction over the Wind Energy System, the Town may participate in the joint application review process set forth in PSC 128.30(7).

Section 10: Application Completeness.

- (a) COMPLETE APPLICATIONS.
 - (1) An application is complete if it meets the filing requirements set by this Ordinance and PSC 128.50(1).
 - (2) The Town shall determine the completeness of an application, and shall notify the owner in writing of the completeness determination, no later than 45 days after the day the application is filed. An application is considered filed the day the owner notifies the Town in writing that all the application materials have been filed. If the Town determines that the application is incomplete, the notice provided to the owner shall state the reasons for the determination.
 - (3) The owner may file a supplement to an application that the Town has determined to be incomplete. There is no limit to the number of times that an owner may re-file an application. For incomplete applications, the owner shall provide additional information as specified in the notice under par. (2).
 - (4) An additional 45-day completeness review period shall begin the day after the Town receives responses to all items identified in the notice under par. (2).

- (5) If the Town does not make a completeness determination within the applicable review period, the application is considered to be complete.

(b) **REQUESTS FOR ADDITIONAL INFORMATION.**

The Town may request additional information necessary to understand the Wind Energy System after determining that an application is complete. An owner shall provide additional information in response to all reasonable requests. An owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete and accurate manner.

Section 11: Owner Requirements.

Pursuant to PSC 128.10(1), the Town incorporates by reference all owner requirements set forth in Subchapter II of PSC 128. A copy of Subchapter II is attached for reference as Exhibit A.

Section 12: Written Decision.

- (a) The Town shall issue a written decision to grant or deny an application. The Town shall provide its written decision to the owner and to the Public Service Commission of Wisconsin. If the Town approves an application for a Wind Energy System, the Town shall provide the owner with a duplicate original of the decision.
- (b) The owner shall record the duplicate original of a decision approving an application with the Register of Deeds for Brown County, Wisconsin.
- (c) The Town shall keep a complete written record of its decision-making relating to an application for a Wind Energy System. The record of a decision shall include all of the following:
 - (1) The approved application and all additions or amendments to the application.
 - (2) A representative copy of all notices issued under ss. PSC 128.105(1)(a), 128.30(5) and 128.42(1).
 - (3) A copy of any notice or correspondence that the Town issues related to the application.
 - (4) A record of any public meeting under s. PSC 128.30(6)(c) and any hearing related to the application. The record shall include

any documents or evidence submitted by meeting or hearing participants.

- (5) Copies of any correspondence or evidentiary material that the Town considered in relation to the application, including copies of all written public comments filed under s. PSC 128.30(6)(b).
 - (6) Minutes of any Town Board or committee meetings held to consider or act on the application.
 - (7) A copy of the written decision under s. PSC 128.32(3)(a).
 - (8) Other materials that the Town prepared to document its decision-making process.
 - (9) A copy of any Town ordinance cited in or applicable to the decision.
- (d) If the Town denies an application, the Town shall keep the record for at least seven (7) years following the year in which it issues the decision.
- (e) If the Town approves an application, the Town shall keep the record for at least seven (7) years after the year in which the Wind Energy System is decommissioned.
- (f) The Town may deny without a hearing an application for approval of a Wind Energy System with a nominal capacity of at least one megawatt if the proposed site of the Wind Energy System is in an area primarily designed for future residential or commercial development as shown on a map adopted as part of the Town's comprehensive plan prior to June 2, 2009 or on such maps adopted by the Town after December 31, 2015 under Wis. Stat. § 6.1001(2)(I).

Section 13: Effect of Ownership Change on Approval.

Approval of a Wind Energy System remains in effect if there is a change in ownership of the Wind Energy System. However, a Wind Energy System owner must provide timely notice to the Town of any change of ownership of the Wind Energy System.

Section 14: Fees.

- (a) The Town requires at the time of the application a deposit of \$5,000. All costs incurred by the Town relating to the review and processing of the application shall be billed against the deposit and a minimum of \$2,000 shall remain in the account until the review process and construction (if approved)

is completed. The Town will refund any remaining balance in the account within 60 days after final inspection of the constructed Wind Energy System.

- (b) The Town's fee or reimbursement requirement under par. (a) is based on the actual and necessary cost of the review and processing of the Wind Energy System application, and may include the cost of services necessary to review an application that is provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts.

Section 15: Additional Requirements.

The Town requires the following as conditions for approval of an application to construct a Wind Energy System:

- (a) **INFORMATION.** The owner shall inform the Town in writing whether the owner has consulted with and received any non-binding recommendations for constructing, operating or decommissioning the Wind Energy System from a state or federal agency, and whether the owner has incorporated such non-binding recommendations into the design of the Wind Energy System.
- (b) **STUDIES.** The owner shall cooperate with any study of the effects of Wind Energy Systems coordinated by a state agency.
- (c) **MONETARY COMPENSATION.** The owner of a Wind Energy System shall offer an agreement that includes annual monetary compensation to the owner of a nonparticipating residence, if the residence is located within 0.5 mile of a constructed wind turbine. For one turbine located within 0.5 mile of a nonparticipating residence, the initial annual monetary compensation shall be \$600. For two turbines located within 0.5 mile of a nonparticipating residence, the initial annual monetary compensation shall be \$800. For three or more turbines located within 0.5 mile of a nonparticipating residence, the initial annual monetary compensation shall be \$1,000. The initial monetary compensation under this subsection shall apply to agreements entered into in 2011. For agreements entered into in 2012 and thereafter, the initial annual amounts shall increase each year by the greater of two percent or the increase in the Consumer Price Index, as described in Wis. Stat. § 196.374(5)(bm)2.b., from the previous year. An agreement offered under this subsection shall specify in writing any waiver of a requirement or right under PSC 128 and whether the landowner's acceptance of payment establishes the landowner's property as a participating property under PSC 128.
- (d) **AERIAL SPRAYING.** The owner of a Wind Energy System shall offer an agreement that includes monetary compensation to a farm operator farming

on a nonparticipating property located within 0.5 mile of a constructed wind turbine if the farm operator demonstrates all of the following:

- (1) Substantial evidence of a history, before the Wind Energy System owner gives notice under s. PSC 128.105(1), of using aerial spraying for pest control or disease prevent for growing potatoes, peas, snap beans or sweet corn on all or part of a farm field located within 9.5 mile of a constructed wind turbine.
 - (2) A material reduction in potato, pea, snap bean or sweet corn production or a material increase in application costs on all or part of a farm field located within 0.5 mile of a constructed wind turbine as a result of the Wind Energy System's effect on aerial spraying practices.
- (e) PERMITS. The owner shall submit to the Town copies of all necessary county, state, and federal permits and approvals.
- (f) ANNUAL REPORTS. The owner shall file an annual report with the Town documenting the operation and maintenance of the Wind Energy System during the previous calendar year.

Section 16: Post-Construction Filing Requirement.

Within 90 days of the date a Wind Energy System commences operation, the owner shall file with the Town an as-built description of the Wind Energy System, an accurate map of the Wind Energy System showing the location of all Wind Energy System facilities, geographic information system information showing the location of all Wind Energy System facilities and current information identifying the owner of the Wind Energy System. An owner shall in the filings under this subsection label each wind turbine location with a unique identifier consistent with the information posted at the wind turbine location under PSC 128.18(1)(g).

Section 17: Modifications to an Approved Wind Energy System.

- (a) MATERIAL CHANGE.
- (1) An owner may not make a material change in the approved design, location or construction of a Wind Energy System without the prior written approval of the Town, unless the Town automatically approves the material change by taking either of the steps specified in s. PSC 128.32(2)(b)1. or 2.
 - (2) An owner shall submit to the Town an application for a material change to an approved Wind Energy System.

(b) REVIEW LIMITED.

- (1) The Town, upon notice of receiving an application for a material change to a Wind Energy System shall not reopen the merits of the earlier approval but shall consider only those issues relevant to the proposed change.
- (2) An application for a material change is subject to ss. PSC 128.30(1), (3) to (5), (6)(a) and (b) and (7) and 128.31 to 128.34.
- (3) An application for a material change shall contain information necessary to understand the material change as determined by the Town.
- (4) The Town may hold at least one public meeting to obtain comments on and to inform the public about a proposed material change to an approved Wind Energy System.

Section 18: Monitoring Compliance.

- (a) MONITORING PROCEDURE. The Town may establish a procedure to monitor compliance by the owner with any condition on an approved Wind Energy System or to assess when Wind Energy System facilities are not maintained in good repair and operating condition. The procedure may include timelines, provide for payment of reasonable fees for conducting an assessment, and provide for notification to the public. Such procedures shall be included in the permits granted under this Ordinance. The owner shall cooperate with the Town during its monitoring.
- (b) THIRD-PARTY INSPECTOR DURING CONSTRUCTION. The Town may require an owner to pay a reasonable fee for a third-party inspector to monitor and report to the Town regarding the owner's compliance with permit requirements during construction. An inspector monitoring compliance under this subsection shall also report to a state permitting authority upon the state permitting authority's request.

Section 19: Notice of Complaint Process.

- (a) NOTICE OF PROCESS FOR MAKING COMPLAINTS. Before construction of a Wind Energy System begins, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within 0.5 mile of any Wind Energy System facility. An owner shall include in the notice the requirements under

PSC 128.40(1) for submitting a complaint to the owner, a petition for review to the Town, and an appeal to the Commission, and shall include a contact person and telephone number for the owner for receipt of complaints or concerns during construction, operation, maintenance, and decommissioning.

- (b) NOTICE TO TOWN. An owner shall provide a copy of the notice provided under subsection a) to the Town, and the owner shall keep the contact person and telephone number current and on file with the Town.

Section 20: Small Wind Energy Systems.

- (a) All of the provisions of this Ordinance apply to Small Wind Energy Systems except for provisions adopted under the following subsections of PSC 128: PSC 128.14(4)(d), 128.15(1)(c), (3)(b) to (e), and (5), 128.16(2) to (4), 128.18(1)(g), (2)(b) and (c), (3)(am), (b) and (c), and (4)(b) to (f), 128.19(1)(c) to (e), (3), and (4), 128.30(2)(L) and (m), 128.33(1) to (3m) and (5), 128.34(3), 128.36, 128.40(2)(b) to (e), 128.41, and 128.42.
- (b) The standards in this Ordinance applicable to Wind Energy Systems are modified for Small Wind Energy Systems as follows:
 - (1) The pre-application notice shall be filed at least sixty (60) days before an owner files an application to construct a Small Wind Energy System and the notice shall be provided only to adjacent landowners and the Town.
 - (2) Setback distances for Small Wind Energy Systems are as set forth in PSC 128.61(3).
 - (3) An owner shall provide notice of the requirements of PSC 128.14 only to each adjacent nonparticipating residence or occupied community building before the initial operation of the Small Wind Energy System.
 - (4) For purposes of PSC 128.19(1) a Small Wind Energy System is presumed to be at the end of its useful life if it generates no electricity for a continuous 540-day period.
 - (5) For purposes of PSC 128.30(2)(g), the information regarding the anticipated effects of the Small Wind Energy System on existing land uses shall be only for parcels adjacent to the Wind Energy System.
 - (6) Written notice of the filing of an application shall be provided only to property owners and residents located adjacent to the Small Wind Energy System.

- (7) Under PSC 128.30(6)(c) the Town may hold at least one public meeting to obtain comments on and to inform the public about a proposed Small Wind Energy System.

Section 21: Revocation.

Any permit granted for the installation, construction or expansion of a Wind Energy System may be revoked by the Town if the permit holder, its heirs, or assigns, violates the provision of this Ordinance or the provisions of a Wind Energy System Permit granted pursuant to this Ordinance.

Section 22: Severability.

If any section, subsection, sentence or phrase of this Ordinance shall be held invalid, illegal, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance; and there shall be substituted for the provision at issue a valid and enforceable provision as similar as possible to the provision at issue.

Section 23: Relationship of Parties.

By filing an application, the owner agrees that neither the owner nor the Town is an agent, employee, contractor, vendor, representative, or partner of the other and that neither shall owe a fiduciary duty to the other or hold itself out to third parties that it is capable of binding the other party to any obligation or liability. The Town's approval of an application does not create or constitute a partnership, joint venture, or any other form of business organization or arrangement between the Town and the owner.

Section 24: Interpretation.

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements. Where the provisions of this Ordinance impose greater restrictions than any statute, other regulation, ordinance or covenant, to the extent allowed by law the provisions of this Ordinance shall prevail. Where the provisions of any statute other regulation, ordinance, or covenant impose greater restrictions than the provisions of this Ordinance, to the extent allowed by law the provisions of such statute, other regulation, ordinance or covenant shall prevail. All references to statutes and regulations in this Ordinance refer to the current version of the statute or regulation referenced, as amended from time to time.

Section 25: Guaranty/Warranty.

Nothing in this Ordinance may be interpreted as guaranteeing or warranting that any method, construction, product, service, building, or structure is free from risk. No issuance of a license or permit, approval, inspection, or other action by any Town official, employee, or agent shall constitute a warranty or guaranty that any method, construction, product, service, building, or structure is free from risk.

Section 26: Effective Date.

This Ordinance shall take effect and be in force upon its passage and publication as required by law.

Section 27: Directive to Town Clerk and Town Attorney.

The Town Clerk and the Town Attorney are directed to make all changes necessary to the current Code of Ordinance to implement the terms of this Ordinance.

Adopted this 8th day of December, 2020.

TOWN OF GREEN BAY

By: */s/ Cary Dequaine*
Cary Dequaine, Town Chairman

Attest:

/s/ Debbie Mercier
Debbie Mercier, Town Clerk

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

CAMPGROUND PERMIT ORDINANCE

Section 1. Title and Purpose.

The title of this ordinance is the Town of Green Bay Campground Permit Ordinance. The provisions of this Ordinance are enacted for the purpose of protecting the public health, safety and general welfare of residents and guests in the Town, to prevent overcrowding and unsanitary conditions on real estate and to establish minimum requirements for the establishment and operation of campgrounds in the Town of Green Bay.

Section 2. Authority.

This Ordinance is adopted in accord with Wis. Stats. §§ 60.10(2)(c), 60.22(3), and 61.34(1) and (5) pursuant to which the Town Board is authorized to adopt police power ordinances for and on behalf of the health, safety, welfare, and convenience of the public by necessary and convenient means. The requirements of Chapter ATCP 79, Wis. Adm. Code and all other applicable codes shall be minimum standards and are supplemented with this Ordinance.

Section 3. Adoption of Ordinance and Scope.

This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, applies to all lands in the Town of Green Bay, County of Brown, Wisconsin. The Town Board shall be responsible to administer this Ordinance. No new or expanded campgrounds may be constructed unless all required approvals have been given.

Section 4. Interpretation.

(a) Abrogation and Greater Restrictions.

- (1) Except when set forth expressly herein, it is not the intent of the Town Board to abrogate, annul or repeal another ordinance of the Town or to alter the applicability of laws which are not of statewide concern within the Town. To the extent that a conflict arises between this and any other ordinance, rule, or regulation, the more restrictive of them shall control.

- (2) Private Covenants. These regulations are not intended to abrogate any easement, covenant, deed restriction, or any other private agreements, or restrictions, provided that where the provisions of these regulations are more restrictive than such easement, covenant, deed restriction or other private agreements or restrictions, the requirements of these regulations shall govern.
- (b) Liberal Construction. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. The provisions of this Ordinance shall be liberally and broadly construed in favor of the Town of Green Bay to promote the purposes for which they are adopted and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town of Green Bay.
- (c) General. Where used herein the word “shall” is mandatory. The word “may” is permissive.

Section 5. Non-Liability.

- (a) The Town does not guarantee, warrant, represent, or hold itself liable for any defects in plans or specifications, false information provided, plan omissions, examination, or inspection oversight, construction, or damage that may result in or after installation, and reserves the right to order changes or additions if conditions arise pertaining to the public health, safety, or welfare.

Section 6. Definitions. In this ordinance the following definitions shall apply:

- (a) “Auxiliary Structure.” A structure or structures on a campsite, including, but not limited to, a shed, deck, garage, or picnic shelter.
- (b) “Camp or Camping.” The use of a camping unit, shelter, such as a camper vehicle or tent, as a form of temporary residence or for sleeping purposes.
- (c) “Campground” means a parcel or tract of land owned by a person, state, or local government that is designed, maintained, intended, or used for the purpose of providing three (3) or more campsites offered with or without charge, for temporary overnight sleeping accommodations.
- (d) “Camping Party.” Any individual, family or non-family group consisting of not more than eight (8) persons who are seven (7) years of age or older, provided that such individual, family, or group is engaging in camping.

- (e) “Campsite” means an area of a campground that is designated by the operator as capable of accommodating an independent or dependent camping unit. A campsite may be one or a combination of the following as referenced and defined in Chapter ATCP 70 of the Wis. Adm. Code: (a) individual campsite, (b) group campsite, (c) seasonal campsite, (d) rustic campsite.
- (f) “Camping Unit” means a structure, including a tent, camping cabin (as defined in Chapter ATCP 70 of the Wis. Adm. Code), yurt, recreational vehicle, mobile home, or manufactured home, bus, van, or pickup truck.
- (g) “Camper Vehicle” means a vehicle, whether factory or home built, whether on or off wheels, whether towed or carried on a motor vehicle or self-propelled, including, but not limited to, recreational vehicles, hitch mount pull behind trailers, pop up tent trailers, campers meant to be affixed to the bed of trucks and converted vehicles such as buses, trucks, or trailers. Such vehicles may be with or without complete kitchen and toilet facilities, self-contained water and sewage systems and designed to be used as a temporary dwelling for travel, recreation, or vacation use and having a maximum main floor area of four hundred (400) square feet. “Camper Vehicle” does not include mobile homes, manufactured homes, and “Park Models.”
- (h) “Condominium Campground.” A campground in which sites are owned individually and the building common areas and facilities are owned by all owners on a proportional undivided basis. A condominium campground is a legal form of ownership and not a specific campground type or style.
- (i) “County” means Brown County, Wisconsin.
- (j) “County Highway.” A highway, inclusive of all public ways and thoroughfares and all bridges on the same, operated by the County for public travel purposes.
- (k) “Inspector.” The Town Building Inspector for the Town of Green Bay or other person designated by the Town Board.
- (l) “Licensee.” Any person licensed by the Town to operate and maintain a campground.
- (m) “Non-permanent Structure.” A physical shelter having form and substance, including, but not limited to, floor, walls, windows, doors, and a roof, which is not permanently affixed to a foundation and whose supplies of potable water, sewage disposal and electrical current, among other utility services, are not permanently attached or incorporated into the design of the structure in

accord with applicable state or local codes. This includes, but is not limited to, what are commonly referred to as tents and tent platforms.

- (n) “Parcel or Lot.” A unit or parcel of land legally described and of record with the County Register of Deeds.
- (o) “Person.” Any natural person, partnership, limited liability company, corporation, or other form of association.
- (p) “Police Power Ordinances.” The government’s right to impose laws, statutes, and ordinances, including zoning ordinances and building codes, to protect the public health, safety, and welfare.
- (q) “Pre-existing Campground.” Any licensed campground in operation previous to the date of the passing of this ordinance.
- (r) “Town Board.” The Town Board of the Town of Green Bay.
- (s) “Town.” The Town of Green Bay, Brown County, Wisconsin.
- (t) “Town Road.” A highway, inclusive of all public ways and thoroughfares and all bridges on the same, operated by the Town for public travel purposes.

Section 7 LICENSES, APPLICATIONS, AND RENEWALS.

Section 7.1 Licenses

- (a) No person shall own, operate, or maintain a campground on real estate in the Town of Green Bay without first having obtained a license for such campground from the Town Board in accord with this Ordinance. Campground licenses shall be valid for one year except the initial license shall expire on June 30 of the next year (with the fee being prorated accordingly). All licenses will expire on June 30 of each year.
- (b) A copy of the current County license for the campground (if required by the County) plus a copy of the most recent application and permit issued to the applicant by the State of Wisconsin pursuant to Chapter ATCP 79 of the Wis. Adm. Code must be submitted at the time of license application or renewal.
- (c) No campground shall be operated without a valid license from the Town, except for those campgrounds that existed as of the date of this Ordinance.

- (d) At the time of filing of a license application the applicant shall pay the Town the application fee in an amount established by resolution of the Town Board from time to time and on file in the office of the Town Clerk.
- (e) All reasonable costs incurred by the Town Board or its agents to properly review the campground license application, and any proposed variance, including the employment of the necessary services of engineers, attorneys, planners, and other professional consultants for said review, shall be the responsibility of the applicant who shall timely and fully reimburse the Town of Green Bay for these costs. The Town Board may require that all or a portion of the known costs of application approval and variance review be paid in advance. The Town Board may also establish a deposit schedule for review fees.
- (f) Should the license application not be timely (within fifteen (15) days of its being due), there shall be a penalty fee as stipulated in Appendix A imposed in addition to the regular license fee.
- (g) The license application shall include the name, address, telephone number, fax number and email address, if any, of each owner or operator of the campground and the legal description of the property on which the campground is located.
- (h) Licenses issued under this Ordinance are not transferable without the express, written approval of the Town Board.
- (i) Multiple licenses shall not be issued for a single parcel.
- (j) No person shall apply for and no campground license shall be issued for a campground which occupies all or portions of adjoining parcels or lots. Each applicant shall be required to prove to the Town Board that all of the land upon which the campground is proposed to be situated is owned or controlled by the applicant under a lease from the owner and the Town Board.

Section 7.2 New Applications to Operate a Campground

- (a) Applications for new campgrounds or additions to existing campgrounds shall be subject to approval or denial by the Town Board acting in accord with the requirements and restrictions of this ordinance and all other applicable ordinances and laws.
- (b) In considering the initial approval for any person or persons seeking to operate a campground in the Town of Green Bay, the Town Board will, at a

minimum, weigh its compatibility with the State and County regulations, with the conservation of natural resources, and with this Ordinance.

- (c) Persons wishing to establish a new campground or an addition to an existing campground in the Town of Green Bay shall:
 - (1) Provide the legal description of the property and photos showing pre-construction ground surface slope, roads, paths, and other natural aspects of the land along with a scaled plan or map of the proposed campground.
- (d) Before approval for the use of land for a new campground or for modifications to or expansion of an existing campground, the Town Board shall hold a public hearing on a Class II public notice. In the event that approval is denied, the Town Board shall provide the reasons therefor to the owner or operator in writing.
- (e) The application for the license for the operation of a campground or campground addition must include the following items. The application shall not be considered complete and no license to operate will be issued until all items are submitted to the satisfaction of the Town.
 - (1) The number, placement of, and dimensions of each campsite.
 - (2) The location and size of all washrooms, restrooms, solid waste disposal facilities and sanitary waste disposal facilities, the number and construction and maintenance of which shall be in accord with applicable state, county and local health and safety standards. In addition, the plan shall reflect the location of all private sanitary disposal systems, natural gas lines, oil or gas storage facilities, public telephones, storm shelters and other buildings which are located upon the campground, including those made available to camping parties and those whose use is restricted or personal to the owner or operator.
 - (3) Location, size and purpose or function of all other facilities made available to the use of camping parties and situated in and upon the grounds of the campground.
 - (4) Proof of compliance with all applicable sections of Wisconsin Commercial Building Code for electric and plumbing as found in Chapter SPS 362 of the Wis. Adm. Code. This proof shall be in the form of all inspection reports for rough-in and final inspections done by credentialed commercial plumbing and commercial electrical

inspectors. This proof shall be submitted whenever available at a date later than the application.

- (5) For applicants who do not own the property on which the proposed campground is located, a copy of the lease or other contract by which permission or authority to make use of the real estate for purposes of operation of a campground have been granted to the applicant by the owner thereof.
- (6) Such other and further information or plans as are deemed by the Town Board to be necessary for it to fully consider and where appropriate to grant a campground license under this Ordinance.
- (f) The campground operator shall provide to the Town, prior to the issuance of its campground license, a performance bond in the amount, not to be less than Five Thousand Dollars (\$5,000) or such additional amounts as the Town Board deems to be appropriate based on the size and improvements of the campground, to guarantee to the Town that upon loss or surrender of its campground license, the operator shall remove all camping units from the licensed parcel or lot and properly dispose of all debris and solid waste remaining upon its cessation of operation. The Town Board shall approve of both the amount of the bond as well as its issuer and the Town shall be named as the beneficiary of the said bond.
- (g) No campground license shall be issued for a proposed campground layout that is bisected by a County Highway or Town Road. All campground facilities and all campsites in a campground shall be located together on one side of the right-of-way of a highway or road that physically divides an applicant's parcel or lot.

Section 7.3 Pre-existing Campgrounds

- (a) Any campground in operation at the time of adoption of this Ordinance or any amendments hereto may continue to be operated even though the manner in which the business is conducted is not in full conformity with the provisions hereof. The only exception to this is that all campground operators shall conform their operations with Section 9 of this Ordinance entitled "Operating Regulations."
- (b) No pre-existing campground may be expanded or added to except in conformity with this Ordinance. In cases where a campground is expanded or added to, only the area expanded or added to must conform to this Ordinance.

- (c) A lawful pre-existing campground shall be required to apply for a license within 60 days of the passage of this Ordinance, in compliance with Section 7.1.
- (d) Any pre-existing campground licensed per Section 7.3(c) above and subsequently allowing said license to lapse for a period of one (1) license cycle per Section 7.1(a) shall not be re-established except in conformity with all provisions pertaining to new campgrounds contained in this Ordinance.

Section 7.4 Renewal of Campground License

- (a) Applications for renewal of campground licenses must include:
 - (1) The name, address, telephone number, fax number and email address, if any, of each owner or operator of the campground and the legal description of the property on which the campground is located.
 - (2) Proof of required Onsite Waste Treatment System (POWTS) maintenance as required by Brown County and the State of Wisconsin.
 - (3) A copy of the current County license for the campground plus a copy of the most recent County inspection report.
 - (4) The appropriate fee according to the Town's fee schedule.
- (b) No public hearing shall be required for renewal of a campground license.
- (c) Prior to the approval of the campground renewal the Town may require an inspection of the campground to assure ongoing compliance with this Ordinance.

Section 8 PHYSICAL LAYOUT

Section 8.1 Maximum Number of Sites.

For the purpose of preserving the rural character of the Town, there shall be a minimum of twenty (20) campsites per licensed campground.

- (a) A separate area may be designated in a campground for Group Camping in tents; however, such group camping shall not exceed two (2) weeks in any one time period and no more than twenty (20) tent units per acre shall be permitted. In addition, the group camping area must be provided with proper sanitary provisions as required by Chapter ATCP 79, Wis. Adm. Code.

Section 8.2 Density and Size of Campsites

Campsites shall be a maximum of ten (10) sites per acre with a minimum average of 2,200 square feet per site. Roads, driveways, and vehicle parking areas adjacent to campsites may be included in the minimum average computation. Buffer screening areas as required in Section 8.3(a), public areas and vehicle parking areas detached from campsites may not be included in the minimum average calculation.

Section 8.3 Buffers, Screening, and Noise

- (a) All campgrounds shall be buffered and screened for all seasons. Where no vegetative screening exists, screening will be developed and maintained. The buffer zone must be at least fifteen (15) feet wide and the screening will not be less than eight (8) feet high containing trees, shrubs, berms, or any combination thereof to screen the boundaries visible from public roads adjacent property or adjacent waterways. This screening shall be made of natural materials to enhance the surrounding landscape. An exception is made for visual or physical access ways to an adjacent waterway that are consistent with state and county shoreline codes.
- (b) All exterior lighting shall be fitted with opaque shields to prevent direct visibility of the lamp to persons on public waters or adjacent lands more than fifty (50) feet beyond the campground.
- (c) Between the hours of 6 p.m. and 9 a.m. each day, the decibel level of any activity related to camping and any ancillary activity offered by the owner of the campground to its guests, including but not limited to, that noise coming from recreational or off-road vehicles such as ATVs, UTVs, go-carts, or unlicensed motorized vehicles, shall NOT EXCEED L8.33 = 60 dBA measured at the property line.
- (d) Between the hours of 9 a.m. and 6 p.m. each day, the decibel level of any activity related to camping and any ancillary activity offered by the owner of the campground to its guests, including but not limited to, that noise coming from recreational or off-road vehicles such as ATVs, UTVs, go-carts, or unlicensed motorized vehicles, shall NOT EXCEED L8.33 = 80 dBA measured at the property line.

Section 8.4 Roadways and Parking

- (a) Each campsite designed for vehicular camping units shall have frontage upon an access drive or private road maintained by the campground for the purpose of vehicular and pedestrian access to and from an adjoining public highway.

- (b) Where access drives or private roads are provided they shall meet the Town of Green Bay Driveway Ordinance specifications to allow for adequate access to each campsite for emergency vehicles.
- (c) Where crossing a County Highway or Town Road is necessary to access a river, stream, lake or pond, a County or Town approved pedestrian crosswalk shall be required.
- (d) Whether attached to individual campsites or otherwise, each campground shall provide adequate space for the parking of at least two (2) motor vehicles per campsite in addition to the site provided for the camping unit which occupies each such site. Each such parking space shall be at least twenty (20) feet in length by ten (10) feet in width and shall not block access by emergency vehicles. Motor vehicles shall not be substituted for or used as camping units.

Section 8.5 Condominium Campgrounds

The provisions of this Ordinance shall be applicable to any proposed condominium campground.

Section 8.6 Other Structures

- (a) No auxiliary or non-permanent structure shall be fixed, mounted or attached to a camper vehicle in any manner which would prevent the ready removal and transport of the camper vehicle.
- (b) No auxiliary or non-permanent structures larger than a combined two hundred (200) square feet shall be allowed at any campsite.
- (c) A fish and game cleaning station shall be provided that is reasonably fly-tight and vermin proof and maintained in a sanitary manner.
- (d) In areas of the campgrounds where open fire is permitted, rings, no more than two (2) feet in diameter, will be established and provided by the campground operator in a safe manner as determined by local officials.
- (e) One (1) dwelling unit with an accessory building, to be occupied by the owner or manager, shall be allowed in a campground, which may be occupied year-round by the owner or manager.

Section 9 OPERATING REGULATIONS

Section 9.1 Postings and Inspections

- (a) A copy of this Ordinance, the campground license and emergency contact numbers shall be posted conspicuously on a bulletin board on the campground premises for public review.
- (b) All portions of the real estate upon which a licensed campground is located and which are open to the public, including all open spaces and enclosures, buildings or other structures used or made available for use by the public in association with the operation of said campground and structures outside of the designated campground area that supply or house utilities, shall be open to the Town, its officers, inspectors, health officers, law enforcement officers, firefighters and ambulance and emergency rescue personnel for purposes of inspection of the premises for compliance with this ordinance. The licensee, by applying for and holding a Town license, shall be deemed to have consented to said entry of the aforementioned officers, at reasonable hours of the day.

Section 9.2 Health and Safety

- (a) The maximum number of overnight guests allowed at any one campsite shall be eight (8).
- (b) The maximum number of camper vehicles allowed at any one campsite shall be one (1).
- (c) With the express exception of motor vehicles parked on campsites in accord with Section 8.4(d), above, only camper vehicles shall be allowed on campsites.
- (d) It shall be the responsibility of each campground owner/operator to maintain the campground in a clean, orderly, safe, and sanitary condition and comply with this Ordinance and all other applicable ordinances, administrative does, and laws.
- (e) All plumbing, sanitary and electrical facilities, gas distribution lines and other public facilities in each campground shall be constructed, operated, and maintained in accord with all applicable state, county and local laws, ordinances, and regulations at the time that such systems were installed.
- (f) One (1) Type 2A10BC fire extinguisher shall be provided for each public building in the campground and no campsite shall be more than seventy-five (75) feet from a Type 2A10BC fire extinguisher. It shall be the responsibility

of the operator to ensure that all required fire extinguishers are in operating order at all times that the campground is open to the public.

- (g) No camping unit that has been damaged by fire or other casualty or which is deemed to be uninhabitable due to structural reasons, plumbing, or electrical malfunctioning, or disconnection, shall be allowed to be inhabited until proper repairs or reconnections to utilities have been made. Each camping unit that has been damaged or which is otherwise deemed to be uninhabitable for one of the reasons set forth in this paragraph shall either be fully repaired or restored to serviceable use or, in the alternative, shall be removed from the campground within thirty (30) days of the date when it was damaged or became uninhabitable. Should such action not be taken, the operator of the campground shall be subject to sanctions under this Ordinance, whether or not the operator owns the camping unit or it is the property of a third party.
- (h) Camping units that are deemed uninhabitable by the Town will not be allowed to be placed parked, or stored on any campground in the Town.
- (i) No person shall establish a special events campground pursuant to Chapter ATCP 79 of the Wis. Adm. Code without first obtaining the permission of the Town Board in consideration of the health, welfare, and safety of campers and residents of the Town.
- (j) A camping unit shall not be occupied by the same individual for more than eight (8) continuous months in any twelve- (12) month period. However, a camping unit may remain on an individual campsite for an entire twelve- (12) month period.

Section 9.3 Camper Vehicle Licensing and Equipment Requirements

- (a) All camper vehicles must be maintained in legal roadworthy condition and licensed as required by Wisconsin DOT.
- (b) The wheels or similar devices for transportation of any camper vehicle shall not be removed except for repairs lasting no more than ten (10) days.
- (c) No camper vehicle shall be fixed, mounted, or attached to the ground, another vehicle, auxiliary or non-permanent structure in any manner which would prevent the ready removal and transport of the camper vehicle.

Section 10 VIOLATIONS AND PENALTIES

Section 10.1 Violations

- (a) Any person, firm, or corporation who violates, disobeys, neglects, omits, tries willfully to circumvent the intent of this Ordinance, refuses to comply with this Ordinance, or resists enforcement of any of its provisions shall be subject to a written notice of violation.
- (b) The Building Inspector, a law enforcement officer, or any other authority authorized by the Town Board may require by written order any premises violating this Section to be put in compliance within thirty (30) days or other time as specified in such order.
- (c) If the premises are not brought into compliance within the time specified in the written violation, then the Town Board, a law enforcement officer or any other authority authorized by the Town Board may issue citations or bring civil actions before the circuit court to collect forfeitures as may from time to time be determined by the Town Board.
- (d) The Town of Green Bay retains the right to revoke, suspend, or place limitations on a campground license if the Town Board has evidence that the campground is in habitual violation of this Ordinance or if there are habitual law enforcement issues at the campground.
- (e) This Ordinance is subject to the enforcement and appeals process as established by the Town of Green Bay.

Section 10.2 Penalties

- (a) Each written notice shall be considered a new violation of this Ordinance. Forfeitures shall be assessed in the following manner:
 - (1) Failure to comply with first written notice: \$250.00.
 - (2) Failure to comply with second written notice issued within 90 days of first notice: \$500.00.
 - (3) Failure to comply with third written notice issued within 90 days of second notice: not less than \$500.00 nor more than \$1,000.00 for each day of continued non-compliance following the expiration of the notice period contained in the notice served.

Section 11 Campground Ordinance Operation in Addition to Other Ordinances, Laws and Regulations

Except as to provisions of other ordinances of the Town which are expressly in conflict with the provisions of this Ordinance, which prior ordinances shall be deemed to be repealed or replaced by this Ordinance, it is not the intent of this Ordinance to repeal or amend any other ordinances and to the extent that other ordinances of the Town or of the County or laws or regulations of the State of Wisconsin may regulate the operation of campgrounds, they shall remain in full force and effect in the Town.

Section 12 Variances

Variances to the standards of this Ordinance may be considered by the Town Board for the Town of Green Bay. The Town Board shall provide written findings to support their decision to either grant or deny the request for variance. Applications for a variance must be accompanied by the appropriate payment of fees set forth by the Town of Green Bay and must, at a minimum, demonstrate that:

- (a) Failure to grant the variance would result in exceptional and unnecessary hardship to the applicant.
- (b) The hardship described in 12(a), above, shall of necessity relate to special circumstances pertaining to the applicant and may not be based on mere inconvenience or financial hardship to the applicant, or be a self-created hardship of the applicant.
- (c) Granting of the variance will not be materially detrimental to the public health, safety, welfare, use, or interest.
- (d) The granting of the variance will not materially compromise the goals and policies of the Town of Green Bay, be inconsistent with other applicable regulations, or be inconsistent with the purpose of this Ordinance.

Applications for a variance shall require a public hearing with a Class I notice of the hearing with a written notice by US Mail to adjacent property owners for which the variance is requested and the Brown County Zoning Administrator. The Town shall send the written notice by certified mail at least five (5) working days prior to the public hearing on the variance. All reasonable costs incurred by the Town of Green Bay associated with the review of the variance shall be the responsibility of the applicant, including all legal and engineering fees.

Section 13 Severability Clause

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application and to this end the provisions of this Ordinance are severable.

Section 14 Effective Date

This Ordinance is effective on publication or posting. The Town Clerk shall properly post or publish this ordinance as required under Sec. 60.80, Wis. Stats.

The Town Clerk and Town attorney are authorized to take such further action as may be necessary to implement this Ordinance.

Adopted this 8th day of December, 2020.

TOWN OF GREEN BAY

By: */s/ Cary Dequaine*
Cary Dequaine, Town Chairman

Attest:

/s/ Debbie Mercier
Debbie Mercier, Town Clerk

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

EMPLOYEE GRIEVANCE PROCEDURE

Section 1. Purpose.

This grievance procedure is adopted pursuant to s. 66.0609(1m), Wis. Stat., and is intended to provide a timely and orderly review of disputes regarding: a) employee terminations, b) employee discipline, and c) workplace safety.

Section 2. Definitions.

- (a) “Days” means calendar days, excluding legal holidays as defined in s. 995.20, Wis. Stat.
- (b) “Discipline” means any employment action that results in disciplinary suspension without pay, disciplinary reduction in pay or other benefits, disciplinary demotions and terminations. The term “discipline” does not include verbal notices or reminders, written reprimands, performance evaluations, documentation of employee acts and/or omissions in an employment file, non-disciplinary demotions, non-disciplinary adjustments to compensation or benefits, actions taken to address job performance such as establishment of a performance improvement plan or job targets; placing an employee on paid leave pending an internal investigation; or other personnel actions taken by the employer for non-disciplinary reasons.
- (c) “Hearing Officer” means the impartial hearing officer required pursuant to s. 66.0509(1m)(d)2, Wis. Stat. The hearing officer selected by the Town Board is: Multi-Jurisdictional Judge Cletus Hubers.
- (d) “Termination” means a discharge from employment for rule violations, poor performance, acts detrimental to the employer or other acts of misconduct. The term “termination” does not include: a voluntary quit, completion of seasonal employment, completion of temporary assignment, completion of contract, layoff or failure to be recalled from layoff at the expiration of the recall period; retirement, job abandonment (“no call, no show” or other failure to report to work); or termination of employment due to medical condition, lack of qualification or license, or any other cessation of employment not involving involuntary termination.

- (c) “Workplace Safety” means any alleged violation of any standard established under state law or rule or federal law or regulation relating to workplace safety.

Section 3. Process and Timelines.

- (a) The employee must file a written grievance with the town clerk within 10 days of the termination, discipline or actual or reasonable knowledge of the alleged workplace safety issue. So that an earnest effort can be made to resolve the matter informally, the grievant must discuss the issue with his/her immediate supervisor prior to filing the written grievance. However in the case of a termination, such a meeting is not required. Grievance forms may be obtained from the clerk. The clerk shall inform the employee’s immediate supervisor and the town chairman about receipt of the written grievance as soon as practicable.
- (b) The employee’s immediate supervisor will meet with the grievant within 10 days of receipt of the written grievance. The supervisor will provide the grievant with a written response within 10 days of the meeting. A copy of the supervisor’s response shall be filed in the clerk’s office. If no one has been designated the employee’s immediate supervisor, the employee will meet with the town board, who shall then provide the written response.
- (c) The employee may request an appeal to the hearing officer by filing a written request with the secretary within 10 days of receiving the written response. The clerk shall notify the town chair and employee’s supervisor about the filing of the request for a hearing as soon as practicable. The town chairman will work with the hearing officers and grievant to schedule a mutually agreeable hearing date.
- (d) The hearing officer shall provide the employee and employee’s supervisor with a written decision no later than 30 days after the hearing date. The hearing officer shall also provide the clerk with a copy of the decision for filing in the clerk’s office.
- (e) The non-prevailing party may file a written requests with the clerk for an appeal to the town board within 10 days of receipt of the hearing officer’s decision. The clerk shall notify the town chairman about the request as soon as possible. The town board shall decide the matter and issue a written decision within 45 days of the filing of the appeal. The town board may sustain, deny or modify the recommendation of the impartial hearing officer.

The decision of the town board shall be final and binding. A copy of the town board's decision shall be provided to the employee and filed in the clerk's office.

- (f) All timelines may be extended by mutual written agreement of the town board and employee. Without such agreement, a failure of the employee to adhere to any of the specified timelines shall preclude any further consideration of the grievance.
- (g) If the last day on which an event is to occur is a Saturday, Sunday, or legal holiday, the time limit is extended to the next day which is not a Saturday, Sunday or legal holiday. A grievance or request for an appeal is considered timely if received by the clerk during normal business hours or if postmarked by 11:59 p.m. on the due date.
- (h) If the grievance is not answered within the time limits, at any stage, the employee may proceed to the next available step within 7 days.
- (i) The grievant and town board may mutually agree in writing to waive a step or multiple steps within the procedure.
- (j) Granting the requested or agreed upon remedy resolves the grievance.

Section 4. Grievance Requirements.

The written grievance must contain:

- (a) A statement of the pertinent facts surrounding the nature of the grievance.
- (b) The date the incident occurred or the date the alleged workplace safety concern was discovered.
- (c) The steps taken to informally resolve the grievance, the individuals involved in the attempted resolution and the results of such discussion.
- (d) The specific remedy requested; and
- (e) A description of the workplace safety rule alleged to have been violated, if applicable.

Section 5. Supervisor's Response.

The supervisor's written response to the employee's written grievance must contain:

- (a) A statement of the date the meeting between the employee and supervisor was held.
- (b) A decision as to whether the grievance is sustained or denied.

Section 6. Procedure Before the Hearing Officer.

- (a) The hearing officer shall define the issues, identifying areas of agreement and identifying the issues in dispute and hear evidence and arguments. The hearing officer will determine whether the town board acted in an arbitrary and capricious manner. A decision will not have been arbitrary or capricious if it was made in the best interest of the town board. In all cases, the grievant shall have the burden of proof to support the grievance. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be strictly followed. However, no factual findings may be based solely on hearsay evidence.
- (b) The hearing officer may require the employee and town board to submit materials related to the grievance and witness lists in advance of the hearing in order to expedite the hearing. The hearing officer shall sustain or deny the decision of the employee's supervisor. The hearing officer is not given authority to modify the decision made by the employee's supervisor. The hearing officer is not given authority to grant in whole or in part, the specific request of the grievant. Within 30 days after the hearing, the hearing officer will issue a decision in writing indicating the findings and reasons for the decision.
- (c) If the hearing officer's decision on any grievance is appealed, only the issues raised in the hearing may be appealed. Issues are not subject to modification in the appeal process.

Section 7. Hearing Officer's Decision.

The hearing officer's written decision must contain:

- (a) A statement of pertinent facts surrounding the nature of the grievance.
- (b) A decision as to whether the grievance is sustained or denied, with the rationale for the decision.

- (c) A statement outlining the timeline to appeal the decision.

Section 8. Representation.

Both the employee and the Town of Green Bay may be assisted by a representative of their own choosing in person or by teleconference at any point during the grievance process.

Section 9. Consolidation.

- (a) The employee's immediate supervisor and/or the hearing officer may consolidate grievances where a reasonable basis for consolidation exists.
- (b) If more than one employee is grieving the same issue or circumstance, a single grievance form may be used. A group grievance must be signed by all grieving employees and must indicate that it is a group grievance at the first step in the grievance process.

Section 10. Costs.

Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee. Each party (employee and employer) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. The fees of the impartial hearing officer shall be divided equally between the parties with the employee(s) paying half and the employer paying the other half. The fees of the hearing officer will be \$40 (or the current "per diem" charge that the town board establishes).

This procedure shall become effective upon adoption and required posting.

The foregoing ordinance was duly adopted by the Town Board of the Town of Green Bay at a duly noticed Town Board meeting held on March 13, 2012 by a vote of 3 in favor and 0 opposed.

TOWN OF GREEN BAY

/s/ Lee DeChamps, Chairman

/s/ Cary Dequaine, Supervisor

/s/ Dianne Jacobs, Supervisor

Approved, Attested by:

/s/ Debbie Mercier, Town Clerk

Date of approval: March 13, 2012

Town of Green Bay, Brown County Employee Grievance Form

Employee Name: _____

Job Title: _____

Employee Contact Information: (provide phone numbers, mailing address, etc.)

Grievance Level (check one): (Step 1) Meeting with the Immediate Supervisor —

(Step 2) Request for Impartial Hearing —

(Step 3) Appeal to Town of Green Bay —

This section to be completed for Step 1 only: Describe the grievance: state all relevant facts, including time, place of incident being grieved, names of persons involved, steps taken to informally resolve the grievance, etc. Attach additional sheets if needed.

— Additional sheets attached.

Describe relief sought:

Employee's Signature

Date Submitted

For Office Use Only:

Date Received: ____/____/20____

Clerk's initials: _____

Town of Green Bay, Brown County Employee Grievance Decision Form

Employee Name: _____

Job Title: _____

Decision: (Attach additional pages if necessary)

— Additional sheets attached.

Date Employee Grievance or Request for Hearing/Appeal Received: _____

Date of Meeting or Hearing: _____

Date of Decision: _____

Grievance Level (check one): (Step 1) Meeting with the Immediate Supervisor —

(Step 2) Request for Impartial Hearing —

(Step 3) Appeal to Town of Green Bay —

Date Employee Provided Copy of this Decision: _____

Delivery method: _____ (U.S. mail, hand delivered, etc.)

Employer or Hearing Officer Signature

(title)

The employee may request an appeal to the impartial hearing officer by filing a written request with the clerk within 10 days of receiving the supervisor's written response. Within 10 days of receipt of the impartial hearing officer's decision, the non-prevailing party may file a written request for an appeal to the town board with the clerk.

*** A copy of this completed form must be provided to the clerk for record keeping purposes.

For Office Use Only:

Date Received: ____ / ____ /20 ____

Clerk's initials: _____

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

TOWN CEMETERY AND BURIAL SITE ORDINANCE

Section 1. Purpose.

The purpose of this ordinance is to regulate the construction, management, operation and platting of cemeteries, the burial of human corpses, and other cemetery uses and activities at, on or within cemeteries owned by the Town of Green Bay.

Section 2. Authority.

The Town Board of the Town of Green Bay has been authorized to exercise village powers pursuant to Wis. Stat. §§ 60.10(2)(c) and 60.22(3). The Town Board adopts this ordinance under its general village powers and Wis. Stat. § 157.50(2).

Section 3. Definitions.

- (a) “Burial” means entombment, inurnment, or interment.
- (b) “Bury” means to entomb, inurn, or inter.
- (c) “Cemetery” means any location for burial of human remains within the Town.
- (d) “Human Remains” means the body of a deceased individual that is in any stage of decomposition or has been cremated.
- (e) “Lot” means a single grave lot platted in accordance with Section 6 of this Ordinance, whether occupied by a grave.
- (f) “Outer Burial Container” means any container that is placed or intended to be placed into the burial excavation of a grave and into which a casket or urn is placed or intended to be placed at the time of burial.
- (g) “Reburial” means to disentomb, disinurn, or disinter human remains that are buried in a cemetery and reentomb, reinurn, or reinter the human remains in another grave, mausoleum space or other place used or intended to be used for the burial of human remains that is in the same cemetery.

- (h) “Recreational Activity” means any activity undertaken for the purpose of exercise, relaxation or pleasure or the instruction or practice of any such activity, including, without limitation, hunting, fishing, trapping, camping, bowling, billiards, picnicking, cave exploring, nature study, dancing, cycling, horseback riding, horseshoe pitching, birdwatching, motorcycling, operating an all-terrain vehicle, ballooning, curling, dart throwing, hang gliding, hiking, tobogganing, sledding, sleigh riding, snowmobiling, skiing, skating, participating in water sports, weight and fitness training, sightseeing, rock climbing, wood cutting or removal, climbing observation towers, animal training, harvesting the products of nature, sport shooting, and any other sport, game or educational activity.
- (i) “Relative” means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew and niece.
- (j) “Sexton” means an individual employed, retained or appointed by the Town Board to administer, repair, maintain, manage and operate a cemetery, or a part of a cemetery, owned by the Town.
- (k) “Town” means the Town of Green Bay, Brown County, Wisconsin.
- (l) “Town Board” means the board of supervisors for the Town, including its authorized designees.
- (m) “Town Cemetery” means a municipal cemetery owned, operated and maintained by the Town pursuant to Wis. Stat. § 157.50.
- (n) “Town chair” means the chairperson of the Town Board.
- (o) “Town clerk” means the clerk of the Town.
- (p) “Town treasurer” means the treasurer of the Town.
- (q) “Urn” means a vessel for the display of flowers or plants that is attached to a lot or is of such weight, as determined by the Town Board or the Sexton, that it cannot be readily moved from its placement on the lot. “Urn” does not include a vessel containing cremated human remains properly inured on/in a lot.

Section 4. Purchase of Lots in Town Cemetery; Purchase or Expansion of Town Cemetery.

- (a) Single Grave Section. The Sexton shall designate certain lots within any Town Cemetery as a single grave section, and the lots within each grave section shall be platted and sold as single-grave lots.
- (b) Price of Lots. The Town Board shall, from time to time and by resolution, fix a price on all lots to be sold for burial in any Town Cemetery.
- (c) Sales of Lots. Persons, or their authorized agents, desiring to purchase a lot in any Town Cemetery shall be referred to the Sexton. The Sexton shall have available suitable plats, showing size and price of lots and any other required information, and shall render assistance to those desiring to purchase lots. The Sexton shall issue a lot order for a selected lot to the prospective purchaser, or his or her authorized agent, who shall present the order at the office of the Town Clerk. Upon receipt of payment for the lot to the Town Treasurer, the Town Chair and the Town Clerk shall issue a cemetery lot deed to the lot in the form prescribed by the town attorney. The original deed from the Town and the records of the cemetery kept by the Town Clerk or the Town Board are the only evidence of title to any lot. The deed shall be signed by the Town Clerk and the Town Chair. ~~and sealed and acknowledged to entitle the purchaser to record the deed with the Brown County Register of Deeds.~~
- (d) Purchase of New Lands. Neither the Town Board nor the Sexton shall purchase any land for Town Cemetery purposes without approval of the electors of the Town obtained at a regular or special town meeting.

Section 5. Ownership Rights of Burial in Town Cemetery.

- (a) Ownership Conditions.
 - 1. The owner of a lot in a Town Cemetery, or his/her authorized agent, shall have the right to use the lot, or a portion thereof, for burial purposes only, in accordance with the terms of this ordinance.
 - 2. Lots for which deeds have been issued by the Town may not be subdivided unless the owner, or his/her authorized agent, receives written consent from the Town Board for such subdivision.
- (b) Burial.
 - 1. The owner of any lot in a Town Cemetery and his/her spouse, if any, is/are entitled to burial at that lot. The lot owner may grant written

permission, which must be notarized and filed with the Town Clerk, for the burial of specific persons other than the owner and the owner's spouse. If more than one person has an ownership interest in the lot (e.g., spouses jointly owning the lot), the written consent of all persons having an ownership interest in the lot is required to permit the burial of a person other than the owner or owner's spouse.

2. Unless otherwise directed in writing, as described in paragraph 1, the Sexton shall permit the burial of persons at any Town Cemetery lot at the rest of any interested person upon proof of eligibility for burial at the cemetery lot, as follows:
 - A. The lot owner and surviving spouse of the lot owner have the first right of burial or to direct the right of burial.
 - B. When there is no surviving spouse, the heirs or devisees of the owner may, by written agreement of all heirs or devisees, determine who shall have the right of burial or direction for burial, with such agreement being filed with the Town Clerk.
 - C. If no agreement described in subsection B is filed, the Sexton may determine use, giving preference to relatives in the order listed in the definition of "Relative" within this Ordinance.

(c) Ownership Rights. All burial rights in the lots of any Town Cemetery and purchased from the Town shall occupy the same position as real estate at the death of the owner. Only persons whose names appear on the cemetery records of the Town will be recognized as owners or part owners of lots. Lot owners may not allow burials to be made in their lots for any remuneration or financial consideration. In the case of the death of a lot owner, when the cemetery lot is disposed of by a will, and when ownership is to be determined, a certified copy of the will or final judgment in the decedent's estate must be delivered to the Town Clerk before the Town will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. The Town recommends that lot owners, in making their wills, include a provision covering the Town Cemetery lots and devise the lots to one person.

(d) Resale. Owners of lots in a Town Cemetery may not resell or transfer lots, or parts of lots, except as follows:

1. Resale or transfer of lots may be made only upon written application filed with and approved by the Sexton and filed with the Town Clerk.

The application shall be executed by the owner of the lot(s), or, if the owner is deceased, by the owner's legal heirs. The application shall state the applicable lot and block numbers. Upon approval from the Sextant, the owner of the lot shall execute a deed in the same form as an original deed from the Town described in Section 4, subsection (c). ~~to entitle the purchaser to record the deed with the Brown County Register of Deeds.~~

2. The Town Clerk shall enter in the record kept for lot ownership purposes copies of all deeds of resale or transfer of Town Cemetery lots. No deed may be received and filed by the Town Clerk until a fee of \$100.00 has been paid to the Town Clerk.
3. The fee described in subsection (d)(2) hereof shall be deposited into the Town's general municipal fund.

(e) Reburials.

1. Any reburial of any person buried in a Town Cemetery shall comply with the provisions of Wis. Stat. § 157.112. Any person seeking reburial shall seek approval from the Sextant. An authorization for disinterment and reinterment shall be obtained from Brown County before any disinterment and reinterment, as required by Wis. Stat. § 69.18(4).

(f) Lot Abandonment.

1. Abandonment of lots in a Town Cemetery shall be controlled by the provisions of Wis. Stat. § 157.115(2).
2. Any abandoned lots in a Town Cemetery shall be resold and used for burials before any new areas of the Town Cemetery are platted or used.

Section 6. Care of Lots at a Town Cemetery.

- (a) Perpetual Care Fund for Town Cemetery. To assure reliable means for the permanent care of any Town Cemetery, a perpetual care fund shall be created relating to all Town Cemeteries. The principal of such fund, and any income derived therefrom, shall provide for all or partial maintenance costs of all Town Cemeteries. All lots sold in any Town Cemetery shall be charged a perpetual care fee, which will be included in the lot price, and each grave

shall be provided with perpetual care services under subsection (b) of this section. A record of the perpetual care fund shall be kept in the office of the Town Clerk. The fund may be increased by gifts bequests, memorial charges or other service revenues. All gifts shall be received, kept and maintained pursuant to Wis. Stat. §§ 157.11(8)-(9) and 157.50(6).

- (b) Perpetual Care. The Town shall furnish perpetual care to all graves located in any Town Cemetery. Such perpetual care is limited to lawn maintenance, leaf disposal, the filling of sunken graves, the raising of markers, and the caring for avenues, alleys, fences, buildings and grounds in general. Expenditures of income from the perpetual care fund shall be made at the discretion of the Town Board or the Sexton. The Town shall not be bound to make a separate investment of money set aside for perpetual care from a particular lot sale, but the proceeds of each lot sale shall be added to the perpetual care fund, and the proceeds of the fund shall be used by the Town as provided in this subsection. Nothing in this ordinance shall be construed as obligating the Town as to any alleged existing contract for perpetual care of a grave or graves. The Town Board shall operate and maintain the town cemetery such that proper and decent care is taken of all Town Cemeteries and the graves contained therein.
- (c) Costs of Care Fixed. The Town Board shall annually fix, pursuant to Wis. Stat. § 157.11(5), a sum necessary for the proper and decent care of graves, unoccupied cemetery lots, and any improvements within any Town Cemetery to be paid from the following sources, as determined by the Town Board:
1. Payments from Brown County to the Town for veteran's graves;
 2. Income generated by the perpetual care fund;
 3. Any assessments made pursuant to subsection (d) of this section; and
 4. Any taxes levied by the Town Board.
- (d) Assessments Against Unoccupied Lots. Pursuant to Wis. Stat. § The Town Board may annually assess upon unoccupied Town Cemetery lots amounts not to exceed the amounts reasonably required for actual and necessary costs for cleaning and care of cemetery lots and care and improvement of a Town Cemetery. Notice of the assessment, along with a copy of Wis. Stat. § 157.11, shall be mailed to each owner or person having charge of a cemetery lot, at the owner's or person's last known post office address, directing payment to the Town Clerk within 30 days and specifying that such

assessments are a personal liability of the owner or person. When uniform care of a cemetery lot has been provided for two (2) consecutive years or more for which assessments are unpaid, after notice is provided pursuant to Wis. Stat. § 157.11(2), the right to burial is forfeited until delinquent assessments are paid. When uniform care has been provided for five (5) consecutive years or more and the related assessments are unpaid, upon like notice, title to all unoccupied parts of the cemetery lot shall pass to the Town and may be sold, with the payment to be deposited into the perpetual care fund. Before depositing the payment into the perpetual care fund, the Town Clerk may retain an amount necessary to cover the Town's administrative and other expenses related to the sale, but the amount retained may not exceed 50% of the sale proceeds.

- (e) General Improvements. The Town Board shall direct and administer all improvements and maintenance within a Town Cemetery before and after any burials. The Town Board shall be responsible for determining the proper and decent care of a Town Cemetery. All graves shall be sodded and mowed when determined necessary by the Town Board or the Sexton. The grade of the cemetery lots shall be determined by the Town Board or the Sexton. The corners of all cemetery lots shall, when purchased, if possible, be permanently marked by the Town Board or the Sexton. Resodding of existing graves or following disinterment will be done when determined necessary by the Town Board or the Sexton.
- (f) Veterans Graves.
1. Pursuant to Wis. Stat. § 45.85, the Town Board shall at all times see that the graves and tombstones of all veterans, including women's auxiliary organizations created by act of Congress, who shall at any time have served in any branch of the armed forces of the United States, and of the spouses or surviving spouses of all those veterans, receive proper and decent care, and the Town Board may employ all necessary assistance to carry out this section.
 2. The expense of the care of such graves and tombstones shall be borne by Brown County except where suitable care is otherwise provided. The amount charged to Brown County for the care may not exceed the charge made for the care of other graves in the same Town Cemetery. The Town Board shall report to the Brown County clerk, on or before September 1 of each year, the locations of the graves cared for by the Town Board pursuant to Wis. Stat. § 45.85, together with the names of the deceased and the amount claimed for the care during the fiscal year from the previous July 1 to June 30.

Section 7. Privileges and Restrictions in Town Cemeteries.

- (a) Mounds Prohibited. No person may raise the level of the earth over any grave in a Town Cemetery about the general level of the cemetery lot.
- (b) Limitations on Structures and Urns. No structures, hedges, fences, railings, embankments, depressions or other enclosures of any kind are permitted on or around lots in any Town Cemetery. Wooden boxes, wire containers, glass jars, bottles, toys, cans, memorials, memorabilia, personal items, and other similar objects may not be placed on lots without written approval of the Town Board or the Sexton, and any such permitted placed items may be removed by the Town Board or the Sexton without oral or written notice. Urns are not permitted at any Town Cemetery on lots sold after the effective date of this Ordinance. Urns existing at any Town Cemetery prior to the effective date of this Ordinance shall be removed by the Town Board or the Sexton if they become unsightly or deteriorated, and such Urns shall not be replaced. Before an Urn is destroyed or discarded, the last owner of record of the lot on which it is located shall be notified by registered or certified mail, return receipt requested, by the Town Clerk that the Urn has been removed from the lot and will be destroyed or discarded unless the owner of the Urn claims it within 30 days after the mailing of such letter.
- (c) Landscaping. All landscaping, mowing and general care of lots, and other work, construction or maintenance in the Town Cemetery shall be performed by the Town through its officers, employees, independent contractors, agents, or the Sexton, unless otherwise provided in writing by the Town Board.
- (d) Access to Lots; Opening and Closing of Burial Places. The Town reserves the right for its officers, employees, contractors, agents, the Sexton and the Town Board, necessary to the performance of normal Town Cemetery operations, to enter upon or cross over any lot in any Town Cemetery in the performance of any duties or work necessary under this Ordinance. The Town Board, by its officers, employees, contractors, agents, and the Sexton, has the sole right to the opening and closing of burial places used or to be used for burial of human remains in the Town Cemetery, unless so ordered by a court of record to open or close such places.
- (e) No Assumption of Liability for Damages. The Town, including its officers, employees, contractors, agents, the Sexton and the Town Board, assume no liability for damages to property or person, or for physical or mental

suffering, arising out of the performance of its normal operations related to the construction, management, operation, maintenance, care and platting of any Town Cemetery, including care of the Town Cemetery, any lot, and the graves, or for loss by vandalism or other acts at a Town Cemetery beyond the Town's reasonable control.

- (f) Altering Physical Conditions. The Town Board reserves the right to alter, change, or close alleys, roadways, walkways, water mains, and other physical public properties at any Town Cemetery.
- (g) Enforcement of Ordinance. The Town Board may appoint, with citation issuance and service powers, any employee or agent of the Town, including, without limitation, the Sexton, to administer and enforce this Ordinance.

Section 8. Rules for Visitors of Town Cemeteries.

- (a) Visiting Hours. Every Town Cemetery shall be always open to visitors between the hours of sun-up and sun-down. Permission to enter any Town Cemetery at any other time must be obtained from the Town Board or the Sexton.
- (b) Children. Children under 16 years of age shall not enter any Town Cemetery except when accompanied by parents or guardians or as otherwise permitted, in writing, by the Town Board or the Sexton.
- (c) Food/Refreshments Prohibited. Persons, including picnic parties, with food, refreshments or alcoholic beverages are prohibited from entering any Town Cemetery.
- (d) Dogs and Other Animals. Dogs are permitted in any Town Cemetery only when confined in a vehicle or if the dog is a service animal accompanying a person while in the Town Cemetery. All other pets or domestic animals are prohibited without written consent of the Town Board or the Sexton.
- (e) Firearms. Firearms are prohibited in any Town Cemetery except in conjunction with military funerals or specific memorial events permitted by the Town Board, the Sexton or a Town Board designee. At all other times, firearms, bows and arrows, slingshots, and other like articles are prohibited.
- (f) Visitors.

- (1) Visitors to Town Cemeteries are required to use existing walkways and roadways whenever possible.
- (2) Except as provided in Section ___ of this Ordinance, no person in any Town Cemetery may: (A) pick or cut any flowers, either wild or cultivated; (B) injure any shrub, tree or plant; or (C) mar or deface any monument, stone or structure.
- (3) No person, except the owner of a lot, a person with the lot owner's consent, or a person with the Town Board's or the Sexton's written consent who is engaged in official cemetery management and care duties by the Town, in any Town Cemetery may: (A) damage any grave or lot; (B) remove, deface, mark or damage, in any manner, any cemetery markers, headstones, monuments, fences or structures; (C) remove, damage or destroy any vases, flower pots, Urns or other objects that have been placed on any lot; (D) move or remove any cemetery equipment without the written consent of the Town Board or the Sexton; or (E) remove or damage any Town Cemetery property not described above.
- (4) No person may loiter, cause a public nuisance, or engage in any sport or other Recreational Activity on or in any Town Cemetery without the written consent of the Town Board or the Sexton.

(g) Vehicles.

- (1) Motor vehicles traveling within any Town Cemetery may not exceed 15 miles per hour. No motor vehicle, except authorized Town maintenance vehicles, shall be driven except on roadways designated for that purpose, and no motor vehicles shall be driven in a reckless manner in a Town Cemetery.
- (2) No person may ride, operate or make use of any of the following vehicles in any Town Cemetery unless the vehicles are present in conjunction with Town Cemetery business or are otherwise authorized in writing by the Town Board or Sexton: (A) snowmobiles; (B) go-carts; (C) all-terrain vehicles; (D) mopeds; (E) motor bicycles; (F) motorcycles; and (G) play vehicles and other amusement vehicles, including, without limitation, any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.
- (3) No person, without written consent of the Town Board or the Sexton, may park or abandon any motor vehicle in any Town Cemetery on

any grassy or seeded area or upon any other location except a designated parking area. No person shall park or abandon a motor vehicle on any Town Cemetery property for any purpose except to engage in official cemetery business. Any motor vehicle parked more than 24 hours, without written consent of the Town Board or the Sexton, shall be declared abandoned by the Town Board or the Sexton and may be towed or removed, or caused to be towed or removed, by the Town Board or the Sexton.

- (h) Protection of Cemetery Property. No person, without written consent of the Town Board or the Sexton, may do any of the following: (1) trap, hunt, kill, injure or disturb, or attempt to trap, hunt, kill, injure or disturb, any animal, bird or waterfowl, wild or domestic; (2) climb any tree; or (3) break, cut down, trample upon, remove, or in any manner injure, deface, write upon, or damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign, or other property within any Town Cemetery, except as provided in this Ordinance.
- (i) Littering, Soliciting and Advertising Prohibited. No person may litter, dump or deposit any rubbish, refuse, earth or other materials, including any placement of advertising, in any Town Cemetery without the written consent of the Town Board or the Sexton.
- (j) Sound Devices. No person may operate or play any amplifying system or sound device in any Town Cemetery without the written consent of the Town Board or the Sexton.
- (k) Authorized Notices. No person may post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any Town Cemetery, except with the written consent, or at the direction, of the Town Board or the Sexton. No person shall remove, deface or damage, in any manner, any sign or notice posted in any Town Cemetery by or at the direction of the Town Board or the Sexton, unless approved by the Town Board or the Sexton.
- (l) Working in Town Cemetery. All contractors or other persons working in a Town Cemetery shall notify the Town Clerk or the Sexton prior to commencement of such work. All contractors or others doing work in a Town Cemetery are responsible for the cost of any damages or losses resulting from the work and shall promptly, upon determination of the amount of damages or loss by the Town Board, pay that sum to the Town Board.

Section 9. Town Cemetery Burials.

- (a) Daylight Burials. Burials at any Town Cemetery shall be made only during daylight hours unless as otherwise approved, in writing, by the Town Board or the Sexton.
- (b) Outer Containers. All burials and reinterments, at any Town Cemetery, shall be made in a permanent outer burial container not constructed of wood.
- (c) Grave Digging. All graves at a Town Cemetery to be used for burials shall be opened and dug at no cost or expense to the Town but shall be performed under the direction of the Town Board and the Sexton. The minimum depth of graves shall be established by the Town Board from time to time, and all graves shall be dug in strict conformity with the Town Board directives then in effect. The Town Board or the Sexton may charge the full cost for any grave digging and opening service provided by the Town at any Town Cemetery, including the fees for the Sexton or other designee of the Town Board, for staking the plot, if the Town Board has authorized the Town or its officers, employees, contractors or agents, including, without limitation the Sexton or other designees, to provide grave staking, grave opening or digging services. The Town Board or the Sexton may also establish charges for snowplowing and seasonal additional access costs to the lot owner incurred by the Town to provide burial or disinterment services. Arrangements for any disinterment or burial services, including to make payments due to the Town, shall be made with the Town Clerk, the Sexton or other Town Board designee at least 48 hours in advance of the services. The time for any disinterment or burial service shall be arranged so that the grave shall be properly filled, and all surplus earth removed before 4:30 p.m. on the day of the disinterment or burial service, unless that requirement is specifically waived in writing by the Town Clerk or the Sexton.
- (d) Burial Permit. No burial in a Town Cemetery shall be permitted until a legal burial permit has been issued by the Town Clerk or the Sexton.
- (e) Maintenance of Flowers, Wreaths and Other Personal Items at Burial Sites. There shall be no responsibility on the part of the Town or its officers, employees, contractors or agents, including, without limitation, the Sexton or other designees of the Town Board, for the protection and/or maintenance of flowers, wreaths, plants, emblems, Urns, family or personal items, memorials or similar items used or placed at any Town Cemetery in conjunction with funerals or burials, including disinterment, or memorial events. The Town Board shall place, or cause to have placed, a notice of

disclaimer of responsibility consistent with this subsection at vehicle access locations to each Town Cemetery.

- (f) Number of Graves Per Lot. No lot at any Town Cemetery may be used for the burial or more than one body, except in the following circumstances:
- (1) Two remains from cremation shall be allowed in one lot with one headstone or two flat markers to be placed only in line with other stones;
 - (2) One full body and one remains from cremation shall be allowed in one lot, with one headstone or two flat markers to be placed only in line with other stones; or
 - (3) All cremation remains shall be placed in a permanent outer burial container not construed of wood.
- (g) Seasonal Bury; Duty to Bury. The Town Board or the Sexton shall provide for cemetery services and burials at any Town Cemetery during each season, including winter, whenever practicable, in compliance with Wis. Stat. § 157.114. The Town has no duty to bury, remove any human remains, or allow the burial or removal of any human remains, however, unless those requesting burial or disinterment are, or will be, in full compliance with this Ordinance or other applicable state law. The Town Board may, in its discretion, charge additional costs to the person requesting burial in order to provide safe and timely access to and from the grave or burial site during burial services.

Section 10. Town Cemetery Monuments and Markers.

- (a) Setting Grave Markers.
- (1) Grave markers, monuments and foundations at any Town Cemetery may be set only after the person desiring to set the marker, monument or foundation obtains a permit therefor from the Town Clerk or the Sexton. Grave markers, monuments and foundations at any Town Cemetery may be set by monument company employees or agents or other persons authorized by the lot owner, but now the Town Board or the Sexton. Except as otherwise provided in this Ordinance, under no conditions with the Town Board or the Sexton construct monument or marker bases or erect monuments or markers on bases.

- (2) All markers and monuments must have a cement foundation. Foundations shall be of such size and design as will provide ample insurance against settlement or injury to the monument or marker, as determined by the Town Board or the Sexton. The top of the foundation shall be constructed flush with the ground line. Whenever possible, all markers shall be set with, at minimum, a 5-inch margin from the outer edges of the foundation.
 - (3) The setting of grave markers, monuments and foundations, and the transportation of all tools and related materials, within any Town Cemetery is subject to the supervision and control of the Town Board or the Sexton. Unless previously authorized by the Town Board or the Sexton, the setting of grave markers, monuments and foundations shall be conducted between the hours of sun-up and sun-down, Mondays through Fridays, except on national holidays. Truck operation is not permitted within any Town Cemetery when the Town Board or the Sexton determines that such truck operation may cause damage to the driveways or other Town Cemetery property. Except as previously authorized by the Town Board or the Sexton, all work in the setting of grave markers, monuments and foundations shall be completed promptly, and all debris shall be removed immediately.
- (b) Limitations. All the following apply to monuments and markers in a Town Cemetery:
- (1) The Town Board or the Sexton may refuse permission to erect any monument, marker or foundation not in keeping with the good appearance of the grounds at a Town Cemetery. The size of any monument or stonework must be provide to the Town Board or the Sexton and approved before any work related to any monument, marker or foundation will be permitted on a lot in a Town Cemetery.
 - (2) Only one monument or marker shall be allowed per lot.
 - (3) No foundation marker or monument may be larger than the width of the lot or group of lots purchased. All monuments and foundations must be set in line with other monuments so far as possible, as directed by the Town Board or the Sexton. Government service monuments or markers shall be surface mounted or attached to the monument or marker. No monument or marker may be more than 5 feet in height.
 - (4) Temporary markers shall be removed or replaced with permanent markers within 1 year of burial.

- (5) A preneed marker may be placed on a lot or group of lots before burial.
- (6) No materials other than granite, marble or standard bronze may be used for outside and above-ground portions of any marker or monument.
- (7) Within one year after burial, a marker or monument identifying the burial shall be placed at the grave site. The Town Board or the Sexton may require, at minimum, prior to burial, a deposit of \$1,000.00 payable to the Town Treasurer to ensure timely placement of a proper marker or monument. The Town may place a marker or monument and assess any surviving owners of the lot for the costs of the marker or monument placed and the costs of installing same, if a marker or monument is not placed within one year after burial.
- (c) Removal of Monuments. A marker or monument, once placed on its foundation at a Town Cemetery, may not be removed without written permission from the Town Board or the Sexton.
- (d) Payment. Any lot at a Town Cemetery must be paid for, in full, to the town treasurer before markers, monuments and foundations are set and before any cemetery deed conveyance. All outstanding charges due to the Town must be paid prior to burial.

Section 11. Town Cemetery Vaults and Mausoleums.

Construction of vaults and mausoleums in any Town Cemetery is prohibited unless approved, in writing, by the Town Board.

Section 12. Trees, Shrubs and Flowers at Town Cemetery.

- (a) Tree and Shrub Planting. The planting of trees and shrubs on newly purchased lots in a Town Cemetery is prohibited unless approved, in writing, by the Town Board or the Sexton.
- (b) Large Tree Removal. Lot owners may, with written approval of the Town Board or the Sexton, remove large trees on or adjacent to cemetery lots in any Town Cemetery that hinder the full usage of the lot. The expense of the tree and stump removal shall be paid for by the lot owners.

- (c) Fresh Flowers and Flags. All flower baskets at grave or lots sites at a Town Cemetery shall be removed by October 15 of each year. Fresh cut flowers may be used in any Town Cemetery at any time. Containers for cut flowers are to be of a type that is level with the ground surface and not holding water when not in use or of the type to be disposed of when flowers are removed. All flags placed on graves for Memorial Day shall be removed by the day following Flag Day of that year.
- (d) Potted Plants. Potted plants may be set on any Town Cemetery lots, without disturbing the sod, if removed within 5 days of being set. If a potted plant is not removed within 5 days of being set, the potted plant may be picked up and destroyed by the Town Board or the Sexton or removed and preserved for planting within the Town Cemetery.
- (e) Artificial Flower Decorations; Baskets. Artificial flower decorations are prohibited in any Town Cemetery unless placed in a vase or pot, and under such circumstances, the decorations will be treated as potted plants. Unfilled or unsightly baskets will be removed from the lot by the Town Board or the Sexton.
- (f) Flower Beds. Individual flower beds or growing plants, other than trees or shrubs, are permitted at any Town Cemetery but must be of a reasonable size, as determined by the Town Board or the Sexton. IN case of doubt, the Town Board or the Sexton should be consulted. Flower beds or growing plants that are not maintained, become unsightly or undesirable, or are not of a reasonable size, as determined by the Town Board or the Sexton, will be removed by the Town Board or the Sexton.
- (g) Plant or Flower Removal. Plants or flowers planted in a Town Cemetery may not be taken up or removed by any person, nor cuttings removed therefrom, without written permission of the Town Board or the Sexton, except that plants in flower beds and growing plants authorized under subsection (f) may be removed or cut by the person who planted the flower bed or growing plant.
- (h) Vine, Wreath and Memorial Removals. Vines that interfere with the proper care of lots or graves, or that injure or damage grass, will be removed from any Town Cemetery by the Town Board or the Sexton when found objectionable. No real or artificial wreaths, temporary or permanent, or memorial or personal memorabilia items will be allowed on lots or graves without written permission of the Town Board or the Sexton.

Section 13. Miscellaneous.

- (a) Neglected Lots. The Town Board or the Sexton may notify, or attempt to notify, in writing, a lot owner that any lot, or any monument or marker thereon, is being neglected and that failure to comply with this Ordinance regarding proper care and management, or failure to rehabilitate a neglected lot, may be cause of imposition of forfeitures under Wis. Stat. § 157.11(2).
- (b) Schedule of Payments. A schedule of the fees and charges for any Town Cemetery, as established by the Town Board, shall be on file in the office of the Town Clerk. The Town Board may change the schedule from time to time, without advance notice, to conform the fees and charges to current economic conditions.
- (c) Fee Payment Location. All fees and charges for any Town Cemetery are payable to the Town Treasurer at the Office of the Town Clerk, where receipts will be issued for the amounts paid.
- (d) Sexton. The Town Board, by resolution, may designate, retain or employ a person as Sexton of any or all the Town Cemeteries, or may designate any other person or committee to act administratively and to manage, operate, maintain and provide care for the Town Cemetery or any part of the operations or of any Town Cemetery pursuant to this Ordinance. The Sexton may be a Town employee or may, with proper insurance and indemnification protection for the Town and its officers, employees and agents, be an independent contractor or agent retained under written contract for a fixed time of years. The Town Board, consistent with this Ordinance, shall designate the authority, responsibility and duties to the Sexton by written resolution. The Town Board shall be responsible for proper supervision of the Sexton.
- (e) Amendment of Ordinance. The Town Board may amend this ordinance to conform with newly developed cemetery practices or for any other legal purpose that the Town Board deems necessary and appropriate. Before this Ordinance is amended, a public hearing shall be held on the proposed amendment before the Town Board. Notice of the public hearing shall be published in a local newspaper at least 10 days prior to the hearing.

Section 14. Penalties.

- (a) Citation. The Town Board may establish a citation ordinance for enforcement of violations of this Ordinance.
- (b) Penalties. Any person who violates any provision of this Ordinance shall, upon conviction, be fined and shall forfeit for any regulation violation under this Ordinance and/or Wis. Stat. § 157.11(2), not more than \$100 nor more than \$500 for each offense, together with the costs of prosecution. Each day a violation exists or continues constitutes a separate offense under this Ordinance. The Town Board may withhold the issuance of any Town licenses, authorities, grants or permits, and any additional cemetery lot purchases and permits for burial or disinterment, until the violation has been abated and all penalties and costs satisfied.
- (c) Abatement.
 - (1) In lieu of or in addition to any other penalty for a violation of this Ordinance, if the violation consists of a physical condition, the Town Board may issue a written notice to the person responsible for the violation, if known, requiring the person responsible to abate the violation within 7 days of receipt of the notice. Service of notice shall be by personal service or registered mail, return receipt requested.
 - (2) If the person responsible for the violation of this Ordinance is unknown, or the person responsible has not abated the violation within 7 days of receipt of the notice described in subparagraph (1), the Sexton, or some other person designated by the Town Board, may immediately abate or remove the violation in a manner approved by the Town Board. The cost of such abatement or removal may be recovered from the person responsible for the violation.
- (d) Injunctive Relief. In lieu of, or in addition to, any other penalty for a violation of this Ordinance, the Town Board may seek to enjoin any continuing violation of this Ordinance as provided in Wis. Stat. Ch. 813.

Section 15. Effective Date.

This Ordinance is effective on publication or posting. The Town Clerk shall properly post or publish this Ordinance, as required under s. 60.80.

Adopted by a vote of 3 for and 0 against this 12th day of April, 2022.

TOWN OF GREEN BAY

By: /s/ Cary Dequaine, Town Chair

By: /s/ Debra Mercier, Town Clerk

Revisions made to strike lines in Section 4 (c) and Section 5 (d) 1.

Adopted by a vote of 3 for and 0 against the 14th day of June, 2022.

TOWN OF GREEN BAY

By: /s/ Cary Dequaine, Town Chair

By: /s/ Debra Mercier, Town Clerk

TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

Ordinance Adopting Code of Ordinances

The Town Board of the Town of Green Bay, Brown County, Wisconsin, does hereby ordain as follows:

The Code of Ordinances in book form entitled “Town of Green Bay, Brown County, Code of Ordinances Adopted December 8, 2020,” having been placed on file and open to public inspection in the office of the Town Clerk for a period of two weeks, commencing on November 24, 2020, pursuant to Wis. Stat. § 66.0103, including all new ordinances and amendments to existing ordinances contained therein, is hereby adopted as the general Code of Ordinances in and for the Town of Green Bay, Brown County, Wisconsin.

This ordinance shall take effect upon passage and publication as required by law.

Adopted this 8th day of December, 2020.

TOWN OF GREEN BAY

By: */s/ Cary Dequaine*
Cary Dequaine, Town Chairperson

Attest:

/s/ Debbie Mercier
Debbie Mercier, Town Clerk

TOWN OF GREEN BAY
Brown County, Wisconsin

NOTICE OF ADOPTION OF
TOWN'S CODE OF ORDINANCES

PLEASE TAKE NOTICE that on December 8, 2020 the Town Board of the Town of Green Bay, Brown County, Wisconsin, has adopted of a new code of ordinances regarding:

- General Provisions
- Ordinance to Create a Joint Municipal Court
- Ordinance to Adopt the Operating Agreement for the New Franken Fire Department
- Ordinance Authorizing Fire Chief to Make and Enforce Lawful Orders, Establish Emergency Fee Schedule, Collect and Disburse Emergency Fees and Obtain Special Inspection Warrants
- Ordinance Establishing Fire Protection Charges
- Ordinance Adopting Uniform Dwelling Code
- Public Nuisance Ordinance
- Solid Waste and Recycling Ordinance
- Compliance Assurance Plan Ordinance
- All-Terrain and Utility-Terrain Vehicle Route Ordinance
- Zoning Ordinance
- Short-Term Rental Licensing Ordinance
- Sex Offender Residency Ordinance
- Adult-Oriented Establishments Ordinance

- Outdoor Furnaces Ordinance
- Ordinance Regulating the Use of Wind Energy Systems
- Campground Permit Ordinance
- Employee Grievance Procedure

To review the Code, please contact the Town Clerk at _____
(address) or _____ (phone), or visit the website at _____.

Dated this 8th day of December, 2020.

Debbie Mercier, Town Clerk